The Library of Congress'

***EARLY STATE RECORDS PROJECT***

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

Complete Text

OF THE PROPOSED

# Sequoyah Constitution

PRICE 25 CENTS



For Sale By

STATE CAPITAL COMPANY

GUTHRIE, OKLA.

# COMPLETE TEXT

OF THE PROPOSED

# Sequoyah Constitution

---

FOR SALE BY

## State Capital Company

GUTHRIE, OKLAHOMA

---

## PRICE 25 CENTS

# COMPLETE TEXT OF THE PROPOSED

# Sequoyah Constitution.

---

## PREAMBLE.

Invoking the blessing of Almighty God and reposing faith in the Constitution and Treaty obligations of the United States, we, the people of the State of Sequoyah, do ordain and establish this Constitution

## Article I.

### BILL OF RIGHTS.

SECTION 1. All political power is vested in and derived from the people; is founded upon their will, and is instituted for the good of the whole.

SEC. 2. The people of this State have the inherent and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness: Provided such change be not in conflict with the Constitution of the United States.

SEC. 3. All persons have an inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry. To give security to these things is the principal office of government.

SEC. 4. All men have a natural and indefeasable right to worship God according to the dictates of their own conscience. No person shall, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this state, or be disqualified from testifying, or from serving as a juror. No human authority can control or interfere with the right of conscience. No person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession; but this liberty of conscience shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace, or safety of this State, or with the rights of others.

SEC. 5. No person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher, or teacher of any sect, church, creed, or denomination of religion; but if any person shall voluntarily make a contract for any such object he shall be held to the performance of the same.

SEC. 6. No money shall ever be taken from the public Treasury, directly or indirectly, in aid of any church, sect, or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof as such. No preference shall be given to, nor any discrimination made against, any church, sect, or creed of religion, or any form of religious faith or worship.

SEC. 7. No religious corporation can be established in this State, except such as may be created under general law for the purpose only of holding the title to such real estate as may be prescribed by law for church edifices, parsonages, cemeteries, and educational and eleemosynary institutions.

SEC. 8. No power shall interfere to prevent the free exercise of the right of suffrage; and all election shall be free and open.

SEC. 9. The courts of justice shall be open to every person, and remedy of-

fered for every injury to person, property, or reputation, and right and justice shall be administered without sale, denial, delay, or prejudicial. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to know the accusation against him; to be furnished the names of the witnesses and an abseract of the evidence adduced against him upon which the indictment was found by the grand jury; to be confronted with the witnesses against him; in all cases to have compulsory process for the attendance of witnesses in his behalf; and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 10. No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree; if a new trial be granted by the court; if the judgment be reversed after verdict; or, if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

SEC. 11. The right of trial by jury shall remain inviolate; but a jury for the trial of criminal or civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law; a jury trial may be waived by the parties in civil cases in manner prescribed by law, and a jury in a civil case may render a verdict by a majority vote. A grand jury shall consist of twelve men, any nine of whom, concurring, may find an indictment

SEC. 12. No person shall, for felony be proceeded against criminally otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; in all other cases offenses may be prosecuted criminally by indictment or information, as shall be prescribed by law.

SEC. 13. No person shall, without due process of law, be deprived of life, liberty, or property.

SEC. 14. Imprisonment for debt shall not be allowed, except for the non-payment of fines and penalties imposed for violation of law.

SEC. 15. All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof of guilt is evident, or the presumption great.

SEC. 16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 17. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

SEC. 18. The military shall always be in subordination to the civil power. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 19. No law shall be passed impairing the freedom of speech Every person shall be free to say, write, or publish, whatever he will, on any subject, being responsible for all abuse of that liberty. In case of suit and prosecution for libel or slander, the truth thereof may be given in evidence.

SEC. 20. The people shall be secure in their persons, papers, homes, and effects ,from unreasonable searches or seizures; and no warrant shall issue to search any place, or to seize any person, or thing, except upon complaint in writing, supported by oath or affirmation, describing, as nearly as may be, the place to be searched or the person or thing to be seized.

SEC. 21. The right of a citizen to keep or bear arms in the common defense, and in aid of the civil power, when thereto legally summoned, shall not be questioned; but nothing herein contained shall justify wearing concealed weapons.

SEC. 22. Private property can not be taken for private use, with or without compensation, without the consent of the owner, except for private ways of necessity, for drains and ditches across the lands of others for agricultural, mining, milling, power, light, manufacturing and sanitary purposes, and then only in such manner as may be prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be realy pulis shall be a judicial question, and as such, judicially determined, without regard to any legislative assertion that the use is public.

SEC. 23. Private property shall not be taken or damaged for public use without just compensation, to be ascertained by a jury, or board of commissioners of not less than three freeholders, in such manner as may be prscribed by law;

and, until the same is paid to the owner, or into court, subject to his unconditional order, the property shall not be disturbed nor his rights therein divested. The fee of land taken for railroad purposes, without consent of the owner, shall remain in him subject to the use for which it is taken.

SEC. 24 Laws impairing the obligation of contracts, or making irrevocable grants of special privileges or immunities; Ex post facto laws, or such as are retrospective in their operation, shall not be enacted by the General Assembly; nor shall separate or exclusive emoluments or privileges be granted, except in consideration of adequate public service.

SEC. 25. Treason against this State can consist only in levying war against it, adhering to its enemies, or giving them aid or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No person shall be attainted of treason or felony by the Legislature. No conviction can work corruption of blood or forfeiture of estate; and the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

SEC. 26. Slavery shall never exist in this State; neither shall involuntary servitude, except as a punishment for crime, whereof the criminal shall have been duly convicted. The State shall not lease or sell the labor of convicts, but may use it in employments not harmful to them.

SEC. 27. Persons elected or appointed to any office or employment of trust or profit under the laws of this State, or of any municipality therein, shall personally devote their time to the performance of the duties thereunto pertaining.

SEC. 28. The people have the right peaceably to assemble for their own good, and, by petition or remonstrance, to seek from those invested with the powers of government, redress of grievances.

SEC. 29. All persons are, and shall ever be, equal before the law. No citizen shall ever be deprived of any right, privilege, or immunity, or exempted from any duty or responsibility on account of race, color, or previous condition.

SEC. 30. All rights not specifically granted to the State by the terms of this Constitution, are reserved to the people.

SEC. 31. The State of Sequoyah is an inseparable part of the Federal Union, and the Constitution of the United States is the Supreme Law of the land.

## Article II.

## DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments —the Legislative, the Executive and the Judicial—each of which shall be confined to a separate magistracy, and no person or collection of persons, charged with the exercise of powers properly belonging to one of these departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly authorized.

## Article III.

## LEGISLATIVE DEPARTMENT.

SEC. 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, and be styled the "General Assembly of the State of Sequoyah." The enacting clause of every law shall be, "Be it enacted by the General Assembly of the State of Sequoyah."

SEC. 2. The Senate shall consist of twenty-one members, one to be chosen from each senatorial district, whose term of office shall be four years: Provided, At the first election under this Constitution the Senators for the odd numbered districts shall be elected for two years only.

SEC. 3. The House of Representatives shall consist of not less than forty-eight, nor more than seventy-five members, to be chosen biennially, whose term of office shall be two years.

SEC. 4. No person shall be a Senator or Representative, who, at the time of election, is not a citizen of the United States, and of this State, and who has not been, for one year next preceding his election an actual resident of the county or district for which he is chosen. Senators shall be at least twenty-five years, and Representatives at least twenty-one years of age.

SEC. 5. The term of all members of the General Assembly shall begin on the day of their election.

SEC. 6. The General Assembly shall meet, biennially, at the seat of government, on the first Tuesday after the

first Monday in January, until otherwise porvided by law; but its first session, under this Constitution, shall be held as herein provided.

SEC. 7. The Governor shall, within ten days after any vacancy occurs in either House issue a writ of election to fill such vacancy.

SEC. 8. No collector or holder of public money shall be eligible to any office of trust or profit in this State, until he shall have accounted for and paid over all sums for which he may have been liable.

SEC. 9. No person who denies the existence of a Supreme Being, nor any person who has been, or may hereafter be, convicted of embezzlement, or defalcation of the public funds of the United States, or of any state, county, or municipality therein, or who has been convicted of a felony, shall ever be eligible to any office of trust, or profit in this State; Provided, Persons who have, heretofore, been convicted of the crimes of unlawfully introducing, or of unlawfully disposing of, intoxicating liquors, shall not, on that account, be considered as coming within the disqualification prescribed in this section. The General Assembly shall provide by law, for the punishment of embezzlement or defalcation as a felony.

SEC. 10. No member of the General Assembly shall be eligible to any other office in this State, nor to any office created by the General Assembly during his term of office.

SEC. 11. Each House shall elect or appoint its own officers and employes, and shall be the sole judge of the election and qualifications of its members. A majority of all members elected to each House shall constitute a quorum to do business; but a smaller number of either House may adjourn from day to day, and compel the attendance of its absent members, in such manner, and under such penalties, as it may provide.

SEC. 12. Each House shall have the power to determine the rules of its proceedings; to punish its members or other persons, for contempt, or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, unlawful restraint; offers of bribes, or private solicitation; and, by a two-thirds vote, to expel a member, but not a second time for the same offense. A member expelled for corruption, shall not, thereafter, be eligible to membership in either House; and such punishment shall not bar an indictment and punishment for such offense.

SEC. 13. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, except such parts as require secrecy. The "yeas" and "nays" on a question, shall, upon the demand of three members, be entered on the journal.

SEC. 14. The sessions of each House shall be open, except when, in the opinion of its members, its business requires secrecy.

SEC. 15. Whenever an officer, civil or military, shall be appointed by the joint, or concurrent, vote of both Houses, or by the separate vote of either House, the vote shall be taken by "yeas" and "nays," and entered on the journals.

SEC. 16. Members of the General Assembly shall be privileged from arrest during attendance at the sessions of their respective Houses, and in going to, and returing from the same, except for treason, felony, and breaches of the peace; and for any speech or debate in either House, they shall not be questioned in any other place.

SEC. 17. The members of the General Assembly shall be paid the sum of six dollars per day, for the first session, not exceeding ninety days, and the sum of ten cents per mile from their homes to the Capitol, by the nearest traveled route; but such limitation of time shall not apply to its first session held under this Constitution.

SEC. 18. Each House, at the beginning of every regular session of the General Assembly, and whenever a vacancy may occur, shall elect from its members, a presiding officer, to be styled, respectively, President of the Senate, and Speaker of the House of Reprerentatives; and whenever, at the close of any session, it may appear that the term of office of the Senator who has been elected President of the Senate, will expire before the next regular session, the Senate shall elect as President, another Senator whose term of office does not so expire, who shall immediately qualify; and, in case of a vacancy in the office of Governor, or absence of the Governor from the State, or in case of the temporary mental, or physical, incapacity of the Governor to perform the duties of

his office, such President of the Senate shall perform the duties, and exercise the powers, of Governor, as elsewhere herein provided.

SEC. 19. No law shall be passed except by bill ,and no bill shall be so altered or amended on its passage through either house as to change its original purpose, and the contents of each bill, or resolution, shall be plainly and fully stated in its title.

SEC. 20 Every bill shall be read at length, on three several days in each House, unless the rules be suspended by a two-thirds vote of the House before which it is pending, when the same may be read the second and third times on the same day; and no bill shall become a law unless on its final passage, the vote be taken by "yeas" and "nays:" The names of the members voting for and against the same shall be entered on the journals, and a majority of each House must be recorded thereon as voting in its favor.

SEC. 21. A law may be revived, amended, or its provisions extended only by re-enacting, and publishing it at length, and not otherwise.

SEC. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases:

Changing the names of persons or places; laying out, opening, altering, and working roads or highways; vacating roads, town plats, streets, alleys, and public grounds; locating, or changing county seats; regulating county and township affairs; rgulating practice in the courts; regualting the jurisdiction and duties of justices of the peace, police magistrates, and constables; providing for changes of venue in civil and criminal cases; incorporating cities, towns, villages, or changing or amending the charter of any town, city or village; providing for the election of members of the Board of County Commissioners in any county, or the election of officers of incorporated towns or cities; summoning and impanelin ggrand, or petit juries; providing for the management of common schools; regulating the rate of interest on money; opening and conducting of any elections, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others lunder disability, the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties, or forfeitures; creating, increasing, or decreasing fees, percentage or allowances of public officers during the term for which said officers are elected or appointed; changing the law of descent; granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purposes; granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise: In these, and in all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 23. The General Assembly shall not have power to release or extinguish, in whole, or in part, the indebtedness, liability, or obligation of any corporation, or individual, to this State or any county, district, or municipal corporation therein.

SEC. 24. No local or special bill shall be passed, unless notice of the intention to apply therefor, shall have been published in the locality where the matter or thing to be affected, is situated, which notice shall be published at least thirty days prior to the introduction of the bill in the manner provided by law, and the evidence of the publication of such notice shall be exhibited and entered upon the journals of both houses of the General Assembly before the act is passed.

SEC. 25. No extra compensation shall be made to any officer, agent, employe, or contractor, after the contract is made or the service rendered; nor shall any money be appropriated or paid, on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by bill, passed by two-thirds of the members elected to each House of the General Assembly.

SEC. 26. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that at which the two Houses are sitting.

SEC. 27. No money shall be drawn from the treasury, except in pursuance of specific appropriations made by law, the purpose of such appropriations and the maximum amount in dollars and cents being distinctly stated in the bill; and no appropriation shall be made for a longer period than two years.

SEC. 28. The General Appropriation Bill shall embrace nothing but appro-

priations for the ordinary expenses of the executive, legislative and judicial departments of the State: All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 29. No State tax shall be provided for, or appropriation of money made, except by a two-thirds vote of both Houses, for any purpose other than to pay the just debts of the State; to defray the necessary expenses of the government; to sustain public schools, and eleemosynary institutions; to repel invasion, and suppress insurrection or riot; to maintain necessary quarantine; and to protect human life: Provided, In case the revenues of the State, within the maximum limit of taxation authorized by this Constitution, are insufficient for its lawful expenditures, the General Assembly may, from time to time, during the first twenty-five years next after the admission of this State into the Union, borrow the necessary amounts of money not exceeding, in the aggregate, ten million dollars, to be due and payable at any time to be fixed by law, not exceeding forty years from date of loan, the rate of interest not to exceed four per centum per annum.

SEC. 30. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to person or property; and, in case of death from injuries, the right of action shall survive, and the General Assembly shall prescribe in whose name, and for whose benefit, such action shall be prosecuted.

SEC. 31. No obligation or liability held or owned by the State against any railroad, or other corporation, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly; nor shall such obligation or liability be released, except by payment thereof into the state treasury.

SEC. 32. No new bill shall be introduced into either House during the last three days of the session.

SEC. 33. The General Assembly shall have power to create new counties; to change county lines; to locate or change the State Capitol, as provided by this Constitution, and to locate or change the location of all other State institutions: Provided, Such location or change be ratified by a majority vote of the electors of the State, County, or District affected, at a general election, conducted in all respects as provided for amendments to this Constitution.

SEC. 34. The General Assembly shall provide by suitable laws for the opening and maintaining of roads and highways, bridges, ferries, toll roads, and toll bridges; and may, when deemed expedient, create a bureau to be known as the "Bureau of Statistics and History," which shall embrace, Mining, Manufacturing, Agriculture and Forestry. It may provide for a State Geologist, who shall be appointed by the Governor by and with the consent of the Senate.

SEC. 35. Power to change the venue on civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

SEC. 36. No money or property belonging to the public school funds, or to this State for the benefit of schools, universities, or colleges, shall ever be used for any other than for the respective purposes to which it belongs.

SEC. 37. The General Assembly shall, from time to time, provide for the payment of all legal debts of the State.

SEC. 38. Any officer in this State who shall, in any manner, make any profit upon the public funds of any kind, belonging to the State, or to any County, or other subdivision of the State, shall be punished as provided by law, and such punishment shall include disqualification to hold office for a period of not less than five years.

SEC. 39. The General Assembly shall fix the salaries and fees of all officers in the State not herein provided for, and no greater salary or amount of fees than is fixed by law shall be paid any officer, employe, or other person, or at any rate other than par value; and the number of clerks and employes of the different departments and institutions of the State, and their salaries, shall be fixed by law.

SEC. 40. Except as otherwise provided in this Constitution, no law shall be enacted by the General Assembly, exempting from taxation any property in this State.

SEC. 41. The General Assembly shall not alter or annul the charter of any corporation now existing, nor remit any forfeiture of charter, nor pass any law for the benefit of such corporation, except on condition that such corporation shall, thereafter, hold its charter sub-

ject to the provisions of this Constitution.

SEC. 42. All wild fish, game, animals birds and fowls in this State are declared to be the property of the State; and the General Assembly shall provide by law for their protection and preservation, and for the regulation of the use thereof.

SEC. 43. No officer of this State, or any county, city, or town, shall receive, directly or indirectly, for salary, fees or perquisites more than five thousand dollars per annum and any and all sums in excess of this amount collected by any officer shall be paid to the proper officers as provided by law.

SEC. 44. The General Assembly shall, by law, prescribe the manner of contesting elections in cases not specifically provided for in this Constitution.

SEC 45. The General Assembly may provide, by law, for assessments on real property, for local improvements, in towns and cities, but such assessments shall only be made with the consent of a majority in value of the resident property holders owning property within the locality to be affected, and such assessments shall be ad valorem and uniform.

SEC. 46. The General Assembly shall enact laws prohibiting the manufacture or sale of adulterated food, and other articles, and providing punishment for the violation thereof.

SEC. 47. The General Assembly shall provide by law for the publication of the Constitution, and the revision and publication of all statutes and session laws of this State, with annotations thereon, at least once in every ten years. Such publication shall be sold at a price not exceeding ten per centum above its cost.

SEC. 48. The General Assembly shall have power to enact such land registration laws as will provide for inexpensive transfers, and the determination of the rightful owners of real estate, and shall have power to create the necessary agencies therefor.

SEC. 49. The General Assembly shall provide for the location and erection of the following public buildings:

Normal School Buildings.

State Asylum Buildings for Deaf, Dumb and Blind and Orphans.

State Reform School Buildings.

Agricultural and Mechanical College Building.

State Penitentiary Buildings.

State Asylum Buildings for the Insane.

State University Buildings.

State University Buildings for Colored Persons; and such other public buildings, except the State Capitol Building, as may be provided for by law.

## Article IV.

## EXECUTIVE DEPARTMENT.

SEC. 1. The Executive Department of this State shall consist of a Governor, Secretary of State, Attorney General, Treasurer of State, Auditor of tSate, and Superintendent of Public Instruction; all of whom shall, in person, keep their offices at the seat of government, and hold their offices for a term of four years, and until their successors are elected and qualified: Provided, Such officers shall not be eligible for re-election for the next succeeding term.

SEC. 2. The supreme executive power of this State shal be vested in a chief magistrate, who shall be styled "Governor."

SEC. 3. The Governor, Secretary of State, Attorney General, Treasurer of State, Auditor of State, and Superintendent of Public Instruction, shall be elected by the qualified electors of the State, at the time and places of voting for members of the General Assembly, in accordance with the provisions of this Constitution. The persons receiving the highest number of votes for each of the respective offices shall be declared duly elected thereto; but if two or more candidates receive the same highest number of votes cast for any office, the General Assembly, by a majority vote of all the members elected to both Houses, in joint session, shall choose one of such persons to fill said office.

SEC. 4. Contested elections for Governor, Secretary of State, Attorney General, Treasurer of State, Auditor of State, and Superintendent of Public Instruction, shall be determined, except as in this Constitution otherwise provided, by the members of both Houses of the General Assembly in joint session, who shall have exclusive jurisdiction to try and determine the same, and all such contests shall be tried and determined at the first session of the General Assembly after the election in which the same shall have arisen.

SEC. 5. No person shall be eligible to the office of Governor, except a citizen of the United States, and of this State,

who shall have attained the age of thirty years, and shall have been two years a resident of this State.

SEC. 6. The Governor shall be Commander-in-Chief of the militia and naval forces of this State.

SEC. 7. He may require information in writing from the officers of the Executive Departments on any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

SEC. 8. He shall give to the General Assembly, from time to time, and, at the close of his official term, to the next General Assembly, information by Message, concerning the condition and government of the State, and recommend for its consideration such measures as he may deem expedient.

SEC. 9. A seal of the State shall be kept by the Secretary of State, used by him officially, as directed by law, and called the "Great Seal of the State of Sequoyah."

SEC. 10. All grants and commissions shal be issued in the name and by the authority of the State of Sequoyah, signed by the Governor and attested by the Secretary of State, and sealed with the Great Seal of the State.

SEC. 11. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of Governor, except as herein provided.

SEC. 12. In case of the death, conviction or imprisonment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of his term, or until the dasibility be removed, or a Governor elected and qualified, shall devolve upon, and accrue to , the President of the Senate.

SEC. 13. If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State the Speaker of the House of Representatives shall, in like manner ,administer the government.

SEC. 14. Whenever the office of Governor shall have become vacant by death, [illegible] removal from office, or otherwise, provided such vacancy shall not occur within nine months next before the expiration of the term of office for which the late Governor shall have been elected, the President of the Senate, or Speaker of the House of Representatives, as the case may be, exercising the powers of Governor for the time being, shall immediately cause an election to be held to fill such vacancies, giving by proclamation sixty days notice thereof, which election shall be governed by the rules prescribed for general elections for Governor as far as possible.

SEC. 15. Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the whole number elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered; and, if approved by two-thirds of the whole number of members elected to that House, it shall be a law; but in such case the votes of both Houses shall be determined by "yeas" and "nays" and the names of the members voting for or against, the bill shall be entered on the journals. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had approved it, unless the General Assembly, by its adjournment, prevents its return, in which case it shall become a law, unless he shall file the same with his objections, in the office of the Secretary of State within twenty days after such adjournment, and shall give notice thereof by public proclamation.

SEC. 16. Every order, or resolution, to which the concurrence of both Houses of the General Assembly may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved shall be repassed by both Houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 17. The Governor shall have power to disapprove any item or items of any bill making appropriations of money embracing distinct items; and the part or parts of the bill approved shall

, and the item or items of appropria- disapproved shall be void, unless re- according to the rules and limita- prescribed for the passage of other over the executive veto.

SEC. 18. In all criminal and penal , excepting in those of treason and chment, the Governor shall have to grant reprieves, commutations sentence, and pardons, after convic- ; and to remit fines and forfeitures r s rules and regulations as shall prescribed by law: Provided, The ral Assembly may create a Board Pardons for all the above purposes, which the Governor may exercise powers only on recommendation a majority of such board. In cases treason he shall have power, by and the advice and consent of the Sen- to grant reprieves and pardons. He communicate to the General As- bly, at every regular session, each of reprieve, commutation of sen- , or pardon, with his reasons there- stating the name and crime of the vict, the sentence, its date, and the of the communication, pardon or ieve.

SEC. 19. The Governor may, by proc- ation, on extraordinary occasions, vene the General Assembly at the of government, or at a different , if that shall have become, since last adjournment, dangerous from many or contagious disease; and he specify in his proclamation the pur- for which it is convened, and no business than that set forth there- shall be transacted.

SEC. 20. In case of disagreement be- the two Houses of the General bly, at a regular or special ses- with respect to the time of adjourn- the Governor may, if the facts be to him by the presiding officers two Houses, adjourn them to a not beyond the date of the next session, and, on account of dan- an enemy or disease, to such place of safety, within this State, may think proper.

21. The Secretary of State shall full and accurate record of all the acts and proceedings of the Gov- and, when required, lay the same papers, minutes, and vouchers re- thereto, before the General As-

22. The Secretary of State, At- torney General, Treasurer of States, Auditor of State, and Superintendent of Public Instruction, shall perform such duties as may be prescribed by law; they shall not hold at one and the same time, any other office or commission, civil or military, in the tSate (or under any other State, or the United States, or any other power, and in case of vacancy occurring in any of said offices by death, resignation, or otherwise, the Governor shall fill said office for the unexpired term by appointment.

SEC. 23.—When any office, from any cause, may become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill the same by granting a commission which shall expire when the person elected to fill said office at the next general election, shall be qualified.

## ARTICLE V.

## JUDICIAL DEPARTMENT.

SEC. 1. The judicial powers of this State shall be vested in the Senate, sitting as a Court of Impeachment; in a Supreme Court, in Circuit Court; in County Courts; in Justices of the Peace; in Police Magistrates, and in such other Courts as may be created by law in and for Cities and Incorporated towns.

## SUPREME COURT.

SEC. 2. The Supreme Court shall be composed of three judges, and they shall choose from among their number a presiding judge who shall be styled Chief Justice; two of whom shall constitute a quorum, and the concurrence of two shall be necessary to every decision. The General Assembly may, if it be deemed necessary, increase the number of the judges of the Supreme Court to five, and, on such increase being made, a majority of the judges shall be necessary to constittute a quorum, and the concurrence of three judges shal be necessary to each decision.

SEC. 3. No person shall be eligible to the office of Judge of the Supreme Court unless he shall be at least thirty years of age, shall have practiced law at least eight years, be of good moral character, learned in the law, a citizen of the State and of the United States, for two years a resident of the State, or Territory, and for one year an actual resident of the Grand Division from which he shall have been selected.

SEC. 4. The State is hereby divided

into three Grand Divisions. One of the Judges of the Supreme Court shall be selected from each of said Grand Divisions, and they shall be elected by the qualified electors of the State. Said Grand Divisions shall be named respectively—Northern Grand Division, Southern Grand Division, and Western Grand Division. Said Judges shall hold their offices during the term of six years from the date of their commission, except as herein provided. At the first meeting of the Court after the fiirst judicial election under this constitution the judges shall, by lot, divide themselves into three classes, one of which said judges shal lhold office for two, one for four, an done for six years, after which each judge of the Supreme Court shall be elected for a full term of six years. A record shall be made in the Court of this classification.

The Northern Grand Division shall be composed of the Counties of Quapaw, Cherokee, Lenahpa, Skiatook, Cooweescoowee, Mayes, Delaware, Tahlaquah, Tumechiche, Cowela, Euchee Tulladega, Okmulgee, Flint, Sequoyah, and Arbeka.

The Southern Grand Division shall be composed of the Counties of Seminole, Spokogee, Cussehta, Muskogee, Eufaula, Breckenridge, Tobuksy, Hailey, Sans Bois, Thomas, Wade, Rutherford Hitchcock Push-ma-ta-ha, McCurtain, and Bixby.

The Western Grand Division shall be composed of the Counties of Cheadle, Moseley, Blue, Tom Needles, Byrd, Johnson, Overton, Garvin McLish Washington Curtis Bonaparte, Gilbert, Jefferson, Guy, and Harris

Provided, In case the General Assembly hereafter increase the number of Judges of the Supreme Court, it shall at scuh time re-district the State into a number of grand divisions equal to the proposed number of Supreme Judges, and rename such Grand Divisions.

## JURISDICTION.

SEC. 5. The Supreme Court shall have original jurisdiction in quo warranto and mandamus as to all State officers, and in habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, writs of error and supersedeas, quo warranto and other remedial writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction, and to hear and determine the same; its judges shall be conservators of the peace throughout the State; and each of them shall have power to grant any of the aforesaid writs, and to make writs of habeas corpus, returnable either before himself, or before the Supreme Court, or before any Circuit Court of the State, or any judges thereof: Appeals from Circuit Courts to the Supreme Court are hereby authorized.

The Supreme Court shall have general appellate jurisdiction, coextensive with the State, in both civil and criminal causes ,and shall have a general superintending control over all inferior Courts under such rules and regulations as may be prescribed by law.

SEC. 6. The Supreme Court shall have a Clerk who shall be elected by the Court, who shall hold his office for the term of six years, unless sooner removed by the Court, and whose duties and emoluments shall be as provided by law.

SEC. 7. The Supreme Court shall appoint one Reporter of its decisions, who shall hold his office for six years, subject to removal by the Court, whose duties and emoluments shall be as provided by law.

SEC. 8. There shall be two terms of the Supreme Court held in each year at the seat of government, at such times as may be provided by law.

SEC. 9. In case all or any of the judges of the Supreme Court shall be disqualified from presiding in any cause, or causes, the Court, or the disqualified judge, shall certify the fact to the Governor, who shall immdeiately commission the requisite number of men having the same qualifications required for a judge of the Supreme Corut, to sit in the trial and determine of such causes.

SEC. 10. From and after the election and qualification of the judges of the Supreme Court, each of said judges shall receive a salary of five thousand dollars per annum, payable quarterly, unless otherwise provided by law, and their salaries shall not be increased or diminished during the term for which said judges were elected.

## CIRCUIT COURT.

SEC. 11. The Circuit Courts shall have original jurisdiction in all Law, Equity and Criminal causes, the exclusive jurisdiction of which has not been by the Constitution vested in some other Court, and shall exercise a superintending

trol and appellate jurisdiction over County and Municipal Courts, and Justices of the Peace and appeals shall be allowed to the Circuit Court from the final order, or judgment of County Courts, and it shall have power to issue, hear and determine all the necessary writs and process, to carry into effect their general and specific powers, any of which writs and process may be issued upon order of the judges of the appropriate Court during the term of the Court, or in vacation, and shall hold two or more terms of Court each year in every organized County.

SEC. 12. The State shall be divided into convenient Circuits, each circuit to be made up of continguous counties, for each of which circuits a judge of the Circuit Court shall be elected, who, during his continuance in office, shall reside in, and be a conservator of the peace within the circuit for which he shall have been elected.

SEC. 13. No person shall be eligible to the office of judge of the Circuit Court unless he shall be at least thirty years of age, shall have practiced law at least eight years, be of good moral character, learned in the law, a citizen of the State and of the United States, for two years a resident of the State or Territory, and for one year an actual resident of the District for which he shall have been elected.

SEC. 14. The General Assembly shall provide for the times of holding Court in each County, which shall not be changed by the General Assembly except at its regular session next preceding the general election for the judges of said Courts, but additional terms may be provided for in any County.

SEC. 15. The judges of the Circuit Court shall be elected by the qualified electors of the several Circuits, and shall hold their offices for the term of six years, and until their successors are qualified.

SEC. 16. Judges of the Circuit Court shall receive a salary of three thousand dollars per annum, payable quarterly, which shall not be increased or diminished during the terms for which said judges shall be respectively elected or appointed.

SEC. 17. Clerks of the Circuit Court shall be elected by the qualified electors of the several Counties for the term of four years, and shall be ex-officio recorders, and they shall receive such salaries as may be provided by law.

SEC. 18. Judges of the Circuit Court may temporarily exchange circuits, or hold courts for each other, under such regulations as may be prescribed by law.

## COUNTY COURT.

Sec. 19.— There shall be elected in and for each organized County one County Judge, and one Clerk of the County Court, whose terms of office shall be four years and until their respective successors in office shall be qualified, and each of whom shall receive such salary as may be provided by law.

Sec. 20. No person shall be eligible to the office of County Judge unless he shall be at least twenty-eight years of age; shall have practiced law at least five years, be of good moral character, learned in the law, a citizen of the State and of the United States, for two years a resident of the State, or Territory, and for one year an actual resident of the territory composing the County in which he shall be elected: Provided, At the first election held under this Constitution, persons who have not practiced law at least five years may be elected.

Sec. 21.—The Supreme Court, Circuit Courts, and County Courts shall be Courts of record, and shall respectively have a seal for the authentication of their process, acts and judgments.

Sec. 22.—County Courts shall have original jurisdiction in all matters of probate, settlement of the estates of deceased persons, appointment of administrators, executors, guardians and conservators, and settlement of their accounts, and in all matters relating to apprentices, incompetents and insane persons; shall have jurisdiction to try and determine all misdemeanors, all actions at law where the amount in controversy does not exceed, excluding interest and costs, the sum of one thousand dollars, and in forcible entry and detainer, and unlawful detainer, and in actions of unlawful detainer, it shall not be necessary, in order to maintain said action, that the relation of landlord and tenant exist: Provided, That said County Courts shall not have jurisdiction of causes in which the title to real estate shall be in controversy; and shall have appellate jurisdiction from the final judgment of Justices of the Peace, Municipal and other inferior Courts.

Sec. 23.—In the absence of the Judge of the Circuit Court from the County, the

Judge of the County Court shall have power to issue orders for temporary injunctions, and other provisional writs, in the County, returnable to the court having jurisdiction, provided that either party may have such order reviewed by any superior judge, in vacation, in such manner as may be provided by law.

Sec. 24. In the absence of the Judge of the Circuit Court from the county, the Judge of the County Court shall have power to issue, hear, and determine, writs of habeas corpus, under such regulations and restrictions as may be provided by law.

Sec. 25. In case of a vacancy occuring by death, disqualification, resignation, or removal from office, of any Judge of the Supreme, or Cricuit, or County Court, such vacancy shall be filled by the Governor of the State, by appointment of a person possessing the qualifications herein required for Judges of the Court to which he is appointed, who shall serve as Judge until his successor is qualified, as provided by law.

Sec. 26. Judges shall not charge juries with regard to matters of fact, nor comment thereon, but shall declare the law, and in jury trials, on request of either party, shall reduce their charge or instructions to writing, and deliver the same to the jury prior to the beginning of the argument of counsel.

Sec. 27. No Judge or Justice of the Peace shall preside or participate in the trial of any cause in the result of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within such degrees as may be prescribed by law; or in which he may have been counsel, or have presided, in any inferior court.

Sec. 28. Whenever the office of Judge of the Circuit, or County Court, of any County is vacant at the commencement of a term of such Court, or the Judge of said Court shall fail to attend, the regular practicing attorneys in attendance on said Court may meet at 10 o'clock a. m., on the second day of the term and elect a Judge to preside at such Court until the regular Judge shall appear; and if the Judge of said Court shall become sick, or die, or be unable to continue to hold such Court after its term shall have commenced, or shall from any cause, be disqualified from presiding at the trial of any causes then pending therein, then the regular practicing attorneys in attendance on such Court may, in like manner, on notice from the Judge or Clerk of said Court, elect a judge to preside at such Court, or to try said causes, and the attorney so elected shall possess the same qualifications and have the same power and authority in said Court as the regular Judge would have had, if presiding; but this authority shall cease at the close of the term at which such election shall be had. The proceedings shall be entered at large upon the record of the Court.

Sec. 29. The Judges of the Supreme, Circuit, or County Courts, shall not, during their continuance in office, practice law, or appear as counsel in any Court, State or Federal, within this State, or any Department of the Government.

## STATE ATTORNEYS.

Sec. 30. At the first election for members of the General Assembly after the adoption of this Constitution, and every four years thereafter, there shall be elected, by the qualified electors of each organized County, a States Attorney, for such organized County, whose term of office shall be four years, and who shall perform such duties and shall receive such salary as may be procided by law.

## JUSTICES OF THE PEACE.

Sec. 31. The qualified electors of each voting precinct in this State shall elect such number of Justices of the Peace as may be provided by law, whose terms of office shall be for two years, who shall be commissioned by the Governor, and their official oath shall be endorsed on the commission, and a copy thereof shall be filed in the office of the Clerk of the County Court. Justices of the Peace shall receive such compensation as may be provided by law.

Sec. 32. Justices of the Peace shall have original jurisdiction in the following matters: First. Exclusive of the County and Circuit Courts, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest and costs, and concurrent jurisdiction in matters of contract where the amount in controversy does not exceed the sum of three hundred dollars, exclusive of interest and costs. Second. Concurrent jurisdiction in suits for the recovery of personal property where the value of the property does not exceed the sum of one hundred dollars, and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred

dollars. Third. Concurrent jurisdiction in actions of forcible entry and detainer, and of unlawful detainer, and in actions of unlawful detainer it shall not be necessary in order to maintain said action that the relation of landlord and tenant exist: Provided, Justices of the Peace shall not have jurisdiction where a lien on land, or title thereto, is involved. Fourth. Such jurisdiction of misdemeanors as may be prescribed by law. Fifth. To sit as examining Courts and commit, discharge, or recognize, offenders to the Court having jurisdiction, for further trial, and to bind persons to keep the peace, or for good behavior. For the foregoing purposes they shall have power to issue all necessary process. They shall be conservators of the peace within their respective counties.

SEC. 33. A Justice of the Peace shall be a qualified elector, a resident of the voting precinct for which he is elected, shall possess a fair business education, and be a man of good moral character.

SEC. 34. Appeals may be taken from the final judgments of Justices of the Peace to the County Courts under such regulations as may hereafter be provided by law. The qualified electors of each voting precinct in each County shall elect a Constable for the term of two years, who shall be furnished by the presiding Judge of the County Court with a certificate of election, on which his official oath shall be endorsed. His compensation and duties shall be prescribey by law.

Sec. 35. All Judicial Officers shall be commissioned by the Governor. All laws relating to Courts shall be general and of uniform operation. The organization, jurisdiction, powers, proceedings and practice of all Courts of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such Courts, severally, shall be uniform.

SEC. 36. The General Assembly may, for cause entered on the Journals, upon due notice and opportunity for defense, remove from office any Judge, upon concurrence of two-thirds of all the members elected to each House. All other officers in this Article mentioned shall be removed from office by the Governor on prosecution and final conviction for felony, or misdemeanor in office; or, the Governor may, upon the joint address of the Judge of the Circuit Court, the Judge of the County Court, and the three County Commissioners, remove from office all such officers mention in this Article, for whose removal provision has not been otherwise herein made, for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office.

SEC. 37. All Courts of Record, inferior to the Supreme Court, shall, on or before the first day of June of each year, report in writing to the Judges of the Supreme Court, such defects and omissions in the laws as their experience may suggest; and the Judges of the Supreme Court shall, on or before the first day of January of each year, report to the Governor, in writing, such defects and omissions in the Constitution and laws as they may find to exist, together with appropriate forms of amendments and bills to cure such defects and omissions. The Judges of the several Circuit Courts shall report to the next General Assembly the number of days they have held Court in the several Counties composing their respective circuits, during the preceding two years.

SEC. 38. All officers provided for in this Article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county; or precinct, for which they may be elected or appointed. All officers, where not otherwise provided for in this Article, shall perform such duties and receive such compensation as may be provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year the vacancy shall be filled by appointment as follows: Of Judges, by the Governor, of Clerks of Courts, by the Court to which the office appertains, or by the Judge or Judges thereof; and of all such other offices, by the Board of County Commissions in the County where the vacancy occurs.

SEC. 39. All process shall run in the name of the State of Sequoyah, and all prosecutions shall be carried on "In the name and by authority of the State of Sequoyah," and conclude "Against the peace and dignity of the State."

## MUNICIPAL COURTS.

SEC. 40. Municipal, or Corporation Courts, of towns and cities, may be invested with jurisdiction concurrent with Justices of the Peace.

## ARTICLE VI.

## SUFFRAGE AND ELECTIONS.

SEC. 1. Every male person over the

age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections, except as otherwise herein provided:

First—He shall be a citizen of the United States, or, not being a citizen of the United States, he shall have declared his intention, according to law, to become such, not less than one year before he offers to vote.

Second—He shall have resided in the State one year; in the County six months; and in the voting ward, or precinct, thirty days immediately preceding the election at which he offers to vote.

SEC. 2. The following classes of persons shall not be allowed to vote at any election in this State:

First—Persons under the age of twenty-one years.

Second—Idiots, lunatics, or paupers supported by the State or County.

Third—All persons convicted of felony, or of the wilful violation of any election laws, subject to such exceptions as the General Assebly ay provide.

Fourth—Soldiers, marines and seamen employed in the service of the Army, or Navy of the United States.

SEC. 4. Elections shall fe free, equal, and by secret ballot. No power shall ever interfere to prevent the free exercise of the right of suffrage.

SEC. 3. The General Assembly shall, at the first session thereof, enact laws to extend the right of suffrage to women of rightful age, and otherwise qualified according to the provisions of this Article. No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election, nor unless the same be approved by a majority of those voting thereon.

SEC. 5. David N. Robb, of Atoka, and David M. Hodge, of Broken Arrow, mem- of the Republican party, and Carl Pursel, of Muskogee, and Andrew B. Cunningham, of Talhequah, members of the Democratic party, all of whom are legal electors of the proposed State of Sequoyah, (now Indian Territory,) are hereby appointed a Supreme Election Board for Indian Territory, and its successor, the proposed State of Sequoyah, with power of succession to the membership of said Supreme Election Board in case of death, disability, or failure to serve, on the part of any of such members of said Board, [illegible] to be in method following:

In case such vacancy shall be from the Republican membership thereof, the surviving Republican member shall immediately designate another Republican elector to fill such vacancy. In case the vacancy shall be from the Democratic membership of such Board the surviving Democratic member shall at once appoint a Democratic elector to fill such vacancy.

In case any such vacancy, or vacancies shall not be filled as hereinabove provided, within five days from the occurrence of such vacancy, then the last presiding officer of this Constitutional Convention shall immediately fill such vacancy, or vacancies, by the appointment of an elector of the political party upon the side whereon said vacancy exists. Provided, however, that after the election for ratification or rejection of this Constitution, instead of the filling of vacancies by appointments made by the last presiding officer of this Constitutional Convention, such filling of vacancies shall be by appointment of the Chairman of the State Committee of the party to which such vacancy belongs.

Said Supreme Election Board shall have supreme power in the calling and conduct of the election at which this Constitution is submitted to the people for ratification, and for the election of all officers whose election may be provided for at the time of the vote on the ratification of this Constitution, and for the election of all state, county, township, municipal, and other public officials, at any and all elections subsequent to said election for the ratification of this Constitution, until such time thereafter as the General Assembly of this State shall otherwise by law provide. Said Supreme Election Board shall designate all times, places, and the manner of holding elections, including the election for the ratification of this Constitution. It shall appoint all necessary election officers; none but electors qualified, under the provisions of this Constitution, shall be permitted to vote, or to hold any office of trust or profit in this State.

The Supreme Election Board, or a majority thereof, shall immediately, upon the closing of the polls, at all elections, cause all legal votes to be counted, the result tabulated and transmitted to said Supreme Election Board; the result of each and every such election shall be at once certified by said Supreme Election Board, or a majority thereof, and the result shall be publicly announced: said Supreme Election Board, under such rules

as it may provide, shall hear and determine all contests.

Certificates of eletcion issued and certified to by the Supreme Election Board, or a majority thereof, shall be final proof of the result of such election, not only as to the ratification of this Constitution, but as to the election of all public officers who shall receive such certificates of election.

The Supreme Election Board shall subdivide all Counties into voting precincts, which shall remain until otherwise provided by law.

SEC. 6. All general elections for State and County officers, for members of the House of Representatives, and the Senate of the State of Sequoyah, and Representatives to the Congress of the United States, shall be held on the Tuesday next following the first Monday in November of each year, except the first election, which shall be held as herein provided. Such elections may be held as herein provided for general elections, or, as may be hereafter provided by law. All State and County officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

All officers whose election is not provided for in this Constitution shall be elected or appointed as may be provided by law.

No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall, at the same time, hold or exercise any office in this State to which a salary, fees or perquisities shall be attached. The legislature may by law declare what offices are incompatible.

SEC. 7. Senators and Representatives, and all Judicial, State, County, Municipal, and other officers, shall, before entering upon the duties of their respective offices, take and subscribe the following oath, or affirmation:

"I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of this State, and that I will discharge the duties of my office with fidelity, that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses authorized by law; that I have not, knowingly, violated any election laws of this State, nor procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

SEC. 8. The foregoing oath shall be administered by some person authorized to administer oaths, and, in the case of State Officers, and Judges of the Supreme Court, shall be filed in the office of the Secretary of State, and in the case of other Judicial, County, Municipal and other officers, in the office of the Clerk of the County in which the same is taken; any person refusing to take said oath (or affirmation) shall forfeit his office; and any person who shall be convicted of having sworn (or affirmed) falsely, or of having violated said oath (or affirmation) shall be guilty of perjury and be forever disqualified from holding any office of trust or profit in this State. The oath, to members of the General Assembly, shall be administered by one of the Judges of the Supreme Court, or by any other person authorized by law to administer oaths, in the hall of the House to which the member shall belong.

SEC. 9. The General Assembly shall by law provide the terms and amount of bond which must be given by all public officials who are entrusted with the custody of public funds, and it may require bond of any other public officers. Until said bond is executed, filed and approved, as required by law, such officer shall not qualify. All official bonds shall be made payable to the State, for the use and benefit of the State, District, County, or Municipality, as the case may be.

SEC. 10. In trials of contested elections, and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony on the ground that it may incriminate him, or subject him to public infamy; but such testimony shall not be used against him in judicial proceedings, except for perjury in giving such testimony.

SEC. 11. No person shall be qualified as an election officer who shall hold at the time of the election any office, appointment or employment in or under the Government of the United States, or of

this State, or of any Municipality or County, or under any Municipal Board, in any city, save only the justice of the peace, alderman, notaries public, and persons in the military service; nor shall any election officer be eligible to any civil office to be filled at any election at which he shall serve, save only to such subrodinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.

SEC. 12.—If the officers of any election shall unlawfully refuse or fail to receive, count, or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any contest arising out of said election.

SEC. 13. All voting by persons acting in representative capacity shall be by "yeas" and "nays."

SEC. 14. Every person, who shall have given, or offered a bribe, threat, or reward, to secure his election, shall be disqualified from holding office during the term for which he may have been elected.

SEC. 15. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of this State to fight a duel, shall be ineligible to vote, or to hold any office of trust or profit in this State.

SEC. 16. No person shall be elected or appointed to any office, civil or military, in this State, who is not a citizen of the United States, and who shall not have resided in this State two years next preceding his election or appointment.

SEC. 17. The General Assembly shall have power to enact laws providing for the registration of electors.

## ARTICLE VII.
## EDUCATION.

SEC. 1. General intelligence and virtue are essential to the preservation of government by the people, and it is a fundamental duty of the State to provide for its citizens the best possible preparation for intelligent and virtuous citizenship; therefore, the General Assembly shall establish and maintain a system of free public education for all persons in the State between the ages of six and twenty-one years, and also shall provide for the establishment and maintenance of institutions for the education of the deaf, dumb, and blind, of this State.

SEC. 2. The school funds of this State shall consist of the proceeds of all lands that may hereafter be granted by the United States; all moneys, stocks, bonds, or other property, that may be acquired, by donation or otherwise, for purposes of public education; the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, the sale of estrays, fines, penalties and forfeitures; the net proceeds of a graduated inheritance tax, which is hereby authorized, and for which the General Assembly shall provide by law, to an amount not exceeding five per centum upon the estates of deceased persons of ten thousand dollars and upwards in value; the proceeds of such occupation tax as may be provided by law; the annual poll tax of not less than one dollar, as provided in this Constitution; and other taxes herein provided for.

SEC. 3. No person shall be permitted to vote at any election in this State who shall not have paid his poll tax to the proper officer, at least thirty days before the holding of said election.

SEC. 4. In distributing the school fund no distinction shall be made on account of race or color. Separate schools shall be provided for children of African descent.

SEC. 5. No religious or other sect, or, sects, shall ever be permitted to control any part of the school funds of this State, nor shall any funds be appropriated for the support of any sectarian school.

SEC. 6. The General Assembly shall provide for the teaching of the elements of agriculture, horticulture, stock breeding and feeding, and domestic science, in the public schools of this State.

SEC. 7. Supervision of the public chools shall be vested in a Superintendent of Public Instruction, and in such other officers as the General Assebly may provide by law. The Superintendent of Public Instruction shall receive such salary and perform such duties as shall be prescribed by law.

SEC. 8. The General Assemlby shall, as soon as practicable, provide by law for the establishment and maintainance of a university of the first class, to be located by a vote of the electors of the State of Sequoyah, as provided in this Constitution, and to be styled "The University of the State of Sequoyah." The General Assembly shall also provide for the establishment and maintenance of such High Schools, Normal, Agricultural and Mechanical and other Colleges, as it may deem expedient.

SEC. 9. The State University, and all other institutions for higher education, shall be under the supervision and control of a board of seven members, of whom the Governor shal lbe one, and the remaining six of whom shall be nominated by the Governor, and, by and with the consent of the Senate, appointed. They shall hold office for six years, two retiring every second year, except that in the first board, two shall be appointed for two, and two for four years only. Not more than four members of such board shall belong to one political party. They shall be designated the "Regents of Education." They shall prescribe the methods of appointing the faculties of the institutions under their care; arrange, in connection with the several faculties, the various courses of study; secure, as far as possible, helpful correlation and cooperation between the institutions of higher learning in this State, and take such steps as may be practicable for establishing and maintaining the highest and most uniform standard possible, for literary and other degrees, which may be granted under the sanction or authority of the State.

## ARTICLE VIII.
## MINES AND MINING.

SEC. 1. There shall be established and maintained the office of Inspector of Mines, the duties and salary of which shall be prescribed by law. When said office shall be established, the Governor shall, with the consent of the Senate, appoint thereto a person proven, in the manner provided by law, to be competent and practical, and who has had not less than four years actual and continuous service either as a mining engineer, mine superintendent, mine foreman, or expert miner, in a mine in actual operation: His term of office shall be four years and until his successor is appointed and qualified. He shall take the oath and give the bond required by law. A suitable room in the Capitol shall be provided for him by the State.

SEC. 2. The General Assembly shall provided by law for the proper ventilation of mines, the construction of shafts for escape and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein, and shall make such regulations, from time to time, as may be necessary for the proper drainage of mines, the prevention of needless or wanton waste of mineral, oil and gas from wells, and the protection of the streams and rivers of this State from being polluted.

SEC. 3. Neglect or failure of a mine owner, or mine lessee, to comply with the laws and State regulations in regard to mines, or the orders of the Inspector of Mines made under and in pursuance thereof, shall render such mine owner, or mine lessee, responsible for all damages to the life, health or person, of employes, or other persons, resulting from such neglect or failure.

SEC. 4. All mines from which gold, silver, or other valuable metals, soda, saline, coal, mineral oil, mineral water, asphalt, gas, or other valuable deposits, are, or may be, produced, shall, in addition to the surface improvements, and in lieu of taxes on the land, be taxed on the gross product thereof, as may be prescribed by law: Provided, The product of all mines, and all gas, oil and mineral water wells, shall be taxed in proportion to the value thereof.

SEC. 5. Until the General Assembly of this State shall make provision by law for the safe operation of mines within this State the act of Congress approved March 3, 1891, entitled, "An Act for the protection of the lives of miners in the Territories," 26 Stat. L., 1104, Chap. 564, shall be in force as the law of this State.

SEC. 6. The General Assembly may provide that the sicence of mining, metallurgy and the drilling, construction and management of oil, gas, and artesian wells, be taught in one or more of the institutions of learning under the patronage or control of this State.

SEC. 7. The Inspector of Mines shall appoint competent inspectors of oil and gas, who shall hold office under his direction and during his pleasure. Their powers, duties, and compensation, shall be such as the General Assembly may by law prescribe.

SEC. 8. All persons and corporations shall, upon payment of just compensation, have the right of way across public, private, and corporate lands, for the construction of ditches, canals and flumes, for the purpose of conveying water for domestic use; for the irrigation of agricultural lands; for mining and manufacturing purposes, and for drainage: The use of the waters of this State for domestic, irrigation, mining and manufacturing purposes, shall be deemed a public use. The procedure in exercising

the right of eminent domain under this section, shall be the same as that provided by law for railroads.

SEC. 9. Boys under the age of fourteen years, and women, or girls, of any age, shall not be employed nor permitted to be in, or about, coal, iron or other mines for the purpose of being employed therein: Provided, however, that this provision shall not prevent the employment of boys and females who are over the age of fourteen years for clerical work at such mines or collerisi.

## ARTICLE IX.

## CORPORATIONS.

SEC. 1. As used in this Article the term "Corporation" or "Company" shall include all trusts, associations, and joint stock companies having any powers or prilvleges not possessed by indivduals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall be construed to mean the charter of an incorporation by, or under which, any such corporation is formed; the term "transportation company" shall include any company, trustee, or other person owning, leasing, or operating for hire, a railroad, street railway, canal, steamboat or steamship line, oil, or gas pipe-line, and also any freight car company, car association. or car trust, sleeping car company, express company, or companies, trustee or person, in any way engaged in business as a common carrier over a route acquired in whole or in part under the right of eminent domain; the term "rate" shall be construed to mean rate of charge for any service rendered or to be rendered; the term "rate," "charge," and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company,' shall include any company owning, leasing, or operating for hire, any telegraph or telephone line, or other means of communication; the term "freight" shall be construed to mean any property transported, or received for transportation, by any transportation company; the term "public service corporation" shall include all transportation and transmission companies, all gas, elettric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person," as used in this Article, shall include individuals, partnerships and corporations, in the singular as well as in the plural number; the term "bond" shall mean all certificates, or written evidences of indebtedness issued by any corporation and secured by mortgage or trust deed; the term "frank" shall be construed to mean any writing or token issued by, or under authority of, a transportation or transmission company, entitling the holder to any service from such company free of charge, or at a reduced rate. The provisions of this Article shall always be so construed in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

SEC. 2. The creation of corporations, and the extension and amendments of charters (whether heretofore or hereafter granted), shall be provided for by general laws, and all corporations being creatures of the law shall be amenable thereto and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly; Provision shall be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for non-user, or misuser. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

SEC. 3. A permanent commission, to consist of three members, is hereby created, which shall be known as the "State Corporation Commission.' The commissioners shall be appointed by the Governor, subject to confirmation by the Senate; and their regular terms of office shall be six years, except those first appointed under this Constitution, of whom one shall be appointed to hold office for two years, one for four, and one for six years. Whenever a vacancy in the Commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to confirmation by the Senate, as

aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their office; but no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the Senate shall have refused to confirm his appointment, or adjourned sine die without confirming the same, nor shall he be eligible for reappointment to fill the vacancycaused by such refusal or failure to confirm. No person while employed by, or holding any office in relation to any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said Commission, or perform any of the duties thereof. At least one of the Commissioners shall have the qualifications prescribed for judges of the Supreme Court; and any Commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of the Supreme Court. The Commission shall annually elect one of its members chairman of the same, and shall have one clerk, one bailiff, and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and be subject to removal by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution. The General Assembly may establish within the department, and subject to the supervision and control of the commission, subordinate divisions, or bureaus of insurance, banking, or other special branches of the business of that department. All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by it. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not. The commission shall keep its office open for business on every day except Sundays and legal holidays. Transportation companies shall, at all times, transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties. The General Assembly shall provide suitable quarters for the commissin and funds for its lawful expenses, including pay for witnesses summoned, and the costs of executing processes issued by the commission of its own motion; and shall fix the salaries of the members, clerks, assistants and subordinates of the commission, and provide for the payment thereof.

SEC. 4. (a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters or certificates of incorporation and amendments or extensions thereof, for domestic corporations, and all licenses to foreign corporations, to do business in this State; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations, authorized by, or doing business in this State. The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive, and preserve such reports, and annually tabulate and publish them in statistical form, except so far as they are inconsistent with this Constitution, or may be hereafter abolished or changed by law.

(b) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications rules and regulations adopted or acted upon, by any such company, inconsistent with those prescribed by the commission within the

scope of its authority, shall be unlawful and void. The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and the protection of employes; and shall from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against any person, locality, community, connecting line, or kind of traffic, in the matter of car service train or boat schedule efficiency of transportation or otherwise, in connection with public duties of such company. Befire the commission shall prescribe or fix any rate, charge or classification of traffic and before it shall make any order, rule, or regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given by the commission at least ten days notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company, or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once a week for four consecutive weeks in one or more of the newspapers of general circulation, published at the seat of government, together with notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement, and every such general order, rule, regulation or requirement made by the commission shall be published at length for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws; Provided, however, that nothink in this section shall impair the right which has heretofore been, or may hereafter be conferred by law upon the authorities of any city, town, or county, to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies between transportation or transmission companies and their patrons.

(c). In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authorty of a court of record to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission, sitting as a court, and afforded opportunity to introduce evidence and to be heard, as to the validity, justness or reasonableness of the order or requirement alleged to have been violated as such

liability of the company for the al- violation), such fines or other pen- as may be prescribed or authorized this Constitution, or by law. The mission may be vested with such ad- puowers, and charged with such duties (not inconsistent with this stitution) as may be prescribed by , in connection with the visitation, ulation or control of corporations, or the prescribing and enforcing of and charges to be observed in the duct of any business where the State the right to prescribe the rates and rges in connection therewith, or with sessent of the property of corpora- , or the appraisement of their fran- s, for taxation, or with the investi- ion of the subject of taxation general- Any corporation failing or refusing obey any valid order or requirement of commission, within such reasonable , not less than ten days, as shall be in the order, may be fined by the mission (proceeding by due process law as aforesaid) such sum, not ex- ing five hundred dollars, as the com- ion may deem proper, or such sum, excess of five hundred dollars as may prescribed, or authorized, by law; and h days continuance of such failure or sal after due service upon such cor- ation of the order or requirement of commission, shall constitute a sep- offense: Provided, That should the ration of such order or requirement be pended pending an appeal therefrom, period of such suspension shall not computed against the company in the tter of its liability to fines or penal- .

(d) From any action of the commission scribing rates, charges or classifica- of traffic, or affecting the train edule of any transportation company, requiring additional facilities, con- ences or public service of any trans- ation or transmission company, or re- to approve a suspending bond, or iring additional security thereon, or ease thereof, as provided for in sub- ion (e) of this section, an appeal ject to such reasonable limitations to time, regulations as to procedure, provisions as to cost, as may be pre- ed by law, may be taken by the ration, the rates, charges or classi- ions of traffic, schedule, facilities, eniences or service of which are af- , or by any person deeming him- self aggrieved by such action, or (if allower by law) by the State. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court from the Circuit courts, except that such an appeal shall be of right, and the Supreme Court may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inadequate. If such appeal be taken by the corporation the rates, charges or classifications of traffic, schedules, facilities, conveniences or service of which are affected, the State shall be made the appelate; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the State or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court only; and in all appeals to which the State is a party, it shall be represented by the Attorney General or his legally appointed representative. No court of this State (except the Supreme Court, by way of appeals as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; Provided, however, that the writes of mandamus and prohibition shall lie from the Supreem Court to the commission in all cases where such writs, respectively, would lie to any niferior tribunal or officer.

(e) Upon the granting of an appeal of supersedeas may be awarded by the Supreme Court suspending the operation of the action appealed from, until the final disposition of the appeal; but, prior to the final reversal thereof by the Supreme Court, no action of the commission prescribing or affecting thhe rates, charges or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved on review

by the Supreme Court), payable to the State, and sufficient in amount and security to insure the prompt refunding by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase the said suspending bond, whenever, in the opinion of the commission the same may be necessary to insure the prompt refunding of the overchageh aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and by such methods of distribution, as may be prescribed by the commission, or by law. All such appeals, affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the Supreme Court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the habeas corpus, and State's cases already on the docket of the court.

(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the Supreme Court; but the chairman of the commission, under the seal of the commission, shall certify to the Supreme Sourt all facts upon which the action appealed from was based and which may be essential to the proper decision of the questions involved in appeal, together with such of the evidence introduced before, or considered by the commission as may be selected, specified and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons, upon which the action appealed from was based, and such statements shall be read and considered by the Supreem Court, upon disposing of the appeal. The Supreme Court shall have jurisriction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealer from, as well as any other matter arrising under such appeal; provided, however, that the action of the commission appealed from shall be regarded as prima facie just, reasonable and correct; but the court may, when it deems necessary, in the interest of justice, remand to the comimssion any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(g) Whenever the Court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall at the same time, substitute therefor, such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise the reversal order shall not be valid. Such substituted order shall have the same force and effect and none other) as if it had been entered by the commission at the time the original order appealer from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the

pendency of such appeal; but no order of the commission, prescribing or altering such rates, charges, classifications, rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired by reason of any fine or other penalty which the commission may impose or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but in no such proceeding by any person against such corporation, nor in any collateral proceedings, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement therefor prescribed by the commission within the scope of its authority, and then in force, be questioned; Provided, however, that no case based upon or involving any order of the commission shall be heard or disposed of, against the objection of either party so long as such order is suspjended in its operation by an order of the Supreme Court as authorized by this Constitution or by any law passed in pursuance thereof.

(i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall, from time to time, recommend such new or additional legislation in reference to its powers or duties, or to the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

SEC. 5. Provision shall be made by general laws for the payment of a fee to the State by ever domestic corporation, upon the granting, amendment, or extension of its charter, and by every foreign corporation, upon obtaining a license to do business in this State, as specified in this Section; and also for the payment by every domestic corporation, and foreign corporation doing business in this State, of an annual registration fee of not less than five dollars, nor more than twenty-five dollars, which shall be irrespective of any specific license, or other tax imposed by law upon such company, for the privilege of carrying on its business in this State, or upon its franchise, or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business, or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State, until it shall have first obtained from the Commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure of any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic company, or, of its license to do business in this State, if it be a foreign company; and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the requirements of this section, or of any laws passed in pursuance thereof. The Commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by this Article; but the General Assembly may, by general law, relieve from the payment of the said registration fee any purely charitable institution or institutions.

SEC. 6. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the State from taking the property and franchises of corporations and subjecting them to public use, the same as the proeprty of individuals; and the exercise of the police power of the State shall never be abridged nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 7. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction—the shorter being

cluded in the longer distance; but this section shall not be construed as authorizing any such company to receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this Section, by charging such rates as the Commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this provision shall not apply to mileage tickets, or to any special excursion, or commutation rates, or to special rates for services rendered to the government of this State, or of the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the Commission.

SEC. 8. No transportation or transmission company doing business in this State shall grant to any member of the General Assembly, or to any State, County, District or Municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this Section, the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly or any such officer, who shall, while in office, accept any gift, privilege or benefit as is prohibited by this Section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this Section shall not prevent a street railway company from transporting, free of charge, any member of the police force or fire department while in the discharge of his official duties, nor prohibit the acceptance by any such policeman or firemen of such free transportation.

SEC. 9. The doctrine of fellow servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is, to the extent hereinafter stated, abolished as to every employe of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employe shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employe or employes of the common master that a servant would have (at the time when this Constitution goes into effect) if such acts or omissions were those of the master himself in the performance of a non-assignable duty; provided, that the injury, so suffered by such railroad employe, resulting from the negligence of an officer, or agent, of the company of a higher grade of service than himself, or from that of a person employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immedaite work of the co-employe through, or by, whose act or omission he is injured; or that it result from the negligence of a co-employe engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employe is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor; and whether such negligence be in the performance of an assignable or non-assignable duty. The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this Section. Knowledge, by any such railroad employe injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defense to any action for injury caused thereby. When death, whether instantaneous or not, results to such an employe from any injury for which he

could have recovered, under the above provisions, had death not occurred, then his legal or personal representatives, surviving consort, and relatives (and any trustee, curator, committee or guardian of such corsort or relative) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a coemploye while in the performance, as vice-principal, of a non-assignable duty of the master. Every contract or agreement, express or implied, made by an employe, to waive the benefit of this Section, shall be null and void; and the provisions of this Section shall apply to all corporations, domestic and foreign, doing business in this State. This Section shall not be construed to deprive any employee, or his legal or personal representative, surviving consort or relatives (and any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land at the time this Constitution goes into effect. Nothing contained in this section shall restrict the power of the General Assembly to further enlarge for the above-named class of employees the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, and other class of employees of railroads, or of employes of any person, firm or corporation.
company or individual for whose benefit the work is done, responsible for their ultimate payment.

SEC. 10. No foreign corporation shall be authorized to carry on in this State, the business, or to exercise any of the powers or functions, of a public service corporation, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporations without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this State, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within this State, when this Constitution goes into effect; but any such public service corporation, so engaged, shall not, without first becoming incorporated under the laws of this State, be authorized to acquire, lease, use, or operate, within this State, any public or municipal franchise or franchises in addition to such as it may own, lease, use or operate when this Constitution goes into effect, or to exercise the right of eminent domain. The property of foreign corporations within this State shall always be subject to attachment, the same as that of non-resident individuals; and nothing in this section shall restrict the power of the State to enact proper laws governing or concerning foreign corporations whenever, and in whatsoever respect it may deem wise or expedient.

SEC. 11. The right of the State, through such instrumentalities as it may select, to prescribe and define the public duties of all common carriers and public service corporations, to regulate and control them in the performance of their public duties, and to fix and limit their charges therefor, shall never be surrendered nor abriged.

SEC. 12. The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare and shall have power to control by general law all corporations organized and doing business under the laws of this State, and all foreign corporations doing business in this State, engaged in mining, manufacturing or producing for sale any article of commerce of common consumption or use by the people of this State, so that said corporations shall be compelled to fix uniform maximum and minimum prices for said articles of commerce and common consumption and use, offered for sale in this State, and it shall be made ations doing business in this State to discriminate against, or demand from the people of this State a greater or higher price for any article of commerce or common consumption, or use, than is charged by said corporation or corporations to the inhabitants of any other State.

SEC. 13. The exclusive right to build or operate railroads parallel to its own, or to any other line of railroad, shall not be granted to any company; but every railroad company shall have the right, subject to such reasonable regulations as may be prescribed by law, to parallel intersect, connect with, or cross with its

roadway, any other railroad or railroads, but no railroad company shall build or operate any line of railroad not specified in its charter, or in some amendment thereof. All railroad companies, whose lines of railroad connect, shall receive and transport each others passengers, freight and loaded or empty cars, without delay or discrimination.

SEC. 14. The General Assembly shall enact general laws regulating and controlling all issues of stocks and bonds by corporations. Whenever stock or bonds are to be issued by a corporation, it shall, before issuing the same, file with the State Corporation Commission a statement (verified by the oath of the president or secretary of the corporation, and in such form as may be prescribed or directed by the commission) setting forth fully and accurately the basis, or financial plan, upon which such stocks or bonds are to be issued; and where such basis or plan includes services or property (other than money) received or to be received by the company, such statement shall accurately specify and describe, in the manner prescribed, or directed by the commission, the services and property, together with the valuation at which the same are received, or are to be received; and such corporation shall comply with any other requirements or restrictions which may be imposed by law. The General Assembly shall provide adequate penalties for the violation of this section, or of any laws passed in pursuance thereof; and it shall be the duty of the commission to adjudge, and enforce (in the manner hereinbefore provided), against any corporation refunding or failing to comply with the provisions of this section, or of any laws passed in pursuance thereof, such fines and penalties as are authorized by this Constitution, or may be prescribed by law.

SEC. 15. No property, nor right of way, shall be appropriated to the use of any corporation until full compensation therefor shall be first made to the owner in money, or first secured to him by a deposit of money subject to his immediate order, which compensation, irrespective of any benefit from any improvement proposed by such corporation, shall be ascertained in a court of competent jurisdiction, as shall be prescribed by law, and the provisions of this Consti-

## Article X.
## BANKS AND BANKING.

SEC. 1.—The General Assembly shall have power to provide for the incorporation of eleemosynary and education institutions, banks or banking companies and trust companies, the same to be under the supervision of the State Corporation Commission.

SEC. 2. No bank, or trust company, shall be established otherwise than under a general banking law, nor otherwise than on a specie basis.

SEC. 3. Every bank or banking company, or trust company, shall be required to cease all banking operations within twenty years from the time of its organization (unless the General Assembly shall extend the time), and promptly thereafter close its business; but shall have corporate capacity to sue, and shall be liable to suit, until its affairs and liabilities are fully closed.

SEC. 4. The legal rate of interest shall be six per centum per annum, but ten per centum may be permitted by contract, and all contracts for a greater rate of interest than ten per centum per annum, either directly or indirectly, paid or to be paid, shall constitute usury, and shall forfeit an amount of the debt equal to double the amount of the entire interest so charged; this applies to all persons, natural, and artificial.

## Article XI.
## MUNICIPAL CORPORATIONS.

SEC. 1. The General Assembly shall provide, by general laws, for the organization of cities (which may be classified) and incorporated towns, and restrict their powers of taxation, assessment, borrowing money and contracting debts, so as to prevent the abuse of such power. Provided, that cities and incorporated towns of 2,500 inhabitants, or more, shall have power to issue bonds for general improvements under such rules and regulations as may be provided by law.

SEC. 2. No municipal corporation shall be authorized to pass any laws contrary to the general laws of the State; nor to levy any tax on real or personal property, except as hereinafter provided.

SEC. 3. Except as herein otherwise provided, the State shall never assume or pay the debt or liability of any county, town, city, or other corporation whatever, or any part thereof, unless such debt or liability shall have been created to repel invasion, suppress insurrection

or to provide for the public welfare and defense; nor shall the indebtedness of any corporation to the State ever be released or in any manner discharged, save by payment of the same into the public treasury.

## Article XII.

## BOUNDARIES AND DIVISIONS.

SEC. 1. The State of Sequoyah is bounded as follows: On the North by the Territory of Oklahoma and the State of Kansas; on the East by the States of Missouri and Arkansas; on the South by the State of Texas, and on the West by the Territory of Oklahoma; the area of the State of Sequoyah includes all lands within the boundaries of the Indian Territory, including the Quapaw Agency.

SEC. 2. This State is hereby divided into Counties, named and described as follows: (All descriptions are referred to the Indian Meridian Guide and Base Line established by United States Geological Survey, 1895-1899).—

ARBEKA COUNTY.— Townships 14, and 13, North, Ranges, 6, 7, 8 9, and 10, East.—All of Townships 12, 11, and 10 North, Ranges 6, 7, 8, 9, and 10, East, lying north of the meandering center line of the North Fork River.

BIXBY COUNTY.—Townships 1 and 2 North, and 1, 2 and 3 South, Ranges 12, 13, and 14, East.—Townships 1, 2, and 3 South Range 11 East; Townships 2 and 3 South, Ranges 9 and 10 East.

BLUE COUNTY.—Township 4, 5, and the north half of 6, South, Ranges, 9, 10, 11, 12, 13, and 14 East.

BONAPARTE COUNTY.—Township 6 North, Ranges 7, 6, 5, 4 and 3 West.—All of Township 6 North, Range 2 West, lying west of the center line of the Canadian River and the east line of Range 1 West.—Townships 4 and 5 North, Ranges 2, 3, 4, 5, 6, and 7 West.

BRECKENRIDGE COUNTY—Bounded by a line described as follows: Beginning at the northwest corner of Township 12 North, Range 18 East; thence east along the north line of Township 2 North to the center line of the Arkansas River; thence southeasterly along the meandering center line of the Arkansas River to a point where the center line of the Canadian River (extended) intersects; thence in a westerly direction along the meandering center line of the Canadian River to the west line of Range 18 East; thence north along the west line of Range 18 East to the point or place of beginning.

BYRD COUNTY.—All of Townships 6, 5, 4, 3, 2, and 1 North, Ranges 4, 5, and 6 East, lying south of the meandering center line of Canadian River.

CHEADLE COUNTY.—Townships 4 and 3 North, Ranges 7, 8, 9, 10 and 11, East.—All of Townships 7, 6 and 5, North, Ranges 7, 8, 9, 10 and 11 East, lying south of the meandering center line of the Canadian River.

CHEROKEE COUNTY—Township 29, North Ranges 18, 19 and 20 East.—All of Township 29 North, Range 21 East, lying west of the meandering center line of the Neosho River.—Townships 28, 27, 26, 25, and the north half of 24 North, Ranges 18, 19, 20 and 21 East.

COOWEECOOWEE COUNTY.—Townships 24, 23, 22, 21 and 20 North, Ranges 15, 16 and 17 East; Township 21 North, Ranges 12, 13 and 14 East; Towship 20 North, Ranges 14 and the east half of 13 East.

COWETA COUNTY.—Bounded by a line described as follows: Beginning at a point where the North line of Township 19 North intersects the center line of Range 13 East; thence East along the North line of Township 19 North, to the center line of the Verdigris River; thence southerly along the meandering center line of the Verdigris River to the west line of Range 17 East, in Township 17 North; thence south along the said west line to the north line of Township 16 North; thence east along said north line to the center of the Verdigris River; thence southerly along the meandering center line of the Verdigris River to the east line of Range 17 East; thence south along said east line to the center line of the Arkansas River; thence westerly along the meandering center line of the Arkansas River to the north line of Township 17 North; thence east along said north line to the center line of Range 13 East; thence north along said center line to the point or place of beginning.

CURTIS COUNTY.—Bounded by a line described as follows: Beginning at a point where the north and west State lines of this State intersect in Township 10 North; thence easterly and southerly following the meandering center line of the Canadian River or the north line of this State to the north line of Township 6 North; thence west along said north

line to the west line of this State; thence north along said west State line to the point or place of beginning.

CUSSEHTA COUNTY.—Townships 12 and 11 North, Ranges 11, 12, 13 and 14 East.—Townships 10 and 9 North, Ranges 12, 13 and 14 East.—All of Township 8 North, Ranges 12, 13, 14 East, lying north of the meandering center line of the Canadian River.

DELAWARE COUNTY—Townships 24, 23, 22, 21 and 20 North, Ranges 22, 23, 24, 25 and 26, East.

EUCHEE COUNTY.—Townships 20, 19, 18, 17, 16 and 15 North, Ranges 10, 11 and 12 East, and the west half of Townships 20, 19 and 18 North, Range 13 East.

EUFAULA COUNTY.—Townships 12, 11, 10, 9 and 8 North, Ranges 15, 16 and 17 East.

FLINT COUNTY—Townships 14, 15, 16, 17, 18 and 19 North, Ranges 24 and 25 East.—All of Townships 14, 15, 16, 17, 18 and 19 North, Ranges 26 and 27 East, lying west of the Arkansas State line.

GARVIN COUNTY.—All of Townships 2, 3, 4, 5 and 6 North, Ranges 1 West and 1, 2 and 3 East, lying south of the north boundary line of this State which is the meandering center line of Canadian River.

GILBERT COUNTY.—Townships 1, 2, and 3 North, and Townships 1 and 2, South, Ranges 5, 6, 7 and 8 West.—The west boundary of this county being the west line of this State.

GUY COUNTY.—Townships 2 and 3 North, Ranges 2, 3 and 4 West. Township 1 Notrh, and 1 and 2 South, Ranges 1, 2, 3 and 4 West.

HAILEY COUNTY.—Townships 2, 3, 4, 5, 6 and 7 North, Ranges 16 and 17 East. —Townships 2, 3 and 4 North, Range 15 East—Townships 3, 4 and 5 North, Range 18 East. Townships 4 and 5 North, Range 19 East.

HARRIS COUNTY.—Townships 3 and 4 South, Ranges 1, 2, 3 and 4 West.—Township 5 South, Ranges 2, 3 and 4 West.—All of Townships 6, 7 and 8 South, Ranges 2, 3 and 4 West, lying north of the Texas State line.

HITCHCOCK COUNTY.—Townships 5 and 6 South, Ranges 15, 16, 17, 18, 19, 20 and 21 East.—All of Townships 7 and 8 South, Ranges 15, 16, 17, 18, 19, 20 and 21 East, lying north of the Texas State line.

JEFFERSON COUNTY—All of Townships 3, 4, 5, 6, 7 and 8 South, Ranges 5, 6, 7 and 8 West, lying east of the west boundary line of this State and north of the Texas State line.

JOHNSTON COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 1 South, Range 4 East; thence east along the north line of Township 1 South, to the east line of Range 7 East; thence south along said east line to the north line of Township 2 South; thence east along said north line to the east line of Range 8 East; thence south along said east line to the center line of Township 5 South; thence on the west and south by a line described as follows: Beginning at the above mentioned beginning point, thence south along the west line of Range 4 East to the south line of Township 4 South; thence east along said south line to the center line of the Washita River; thence southerly along the meandering center line of the Washita River to the center line of Township 5 South; thence east along said center line of Township 5 South to the east line of Range 8 East.

LENAHPA COUNTY.—Townships 29 and 28 North, Ranges 12, 13, 14, 15, 16 and 17 East; Townships 27, 26 and 25 North, Ranges 15, 16 and 17 East.

M'CURTAIN COUNTY.—Townships 1, 2, 3, 4, 5, 6 and 7 South, Ranges 22, 23, 24, 25 and 26 East.—Township 8 South, Ranges 24, 25 and 26 East.—Township 9 South, Range 26 East.—All of Township 8 South. Ranges 22 and 23 East, lying north of the Texas State line.—All of Township 9 South, Ranges 23, 24 and 25 East, lying north of the Texas State line.—All of Township 10 South, Ranges 25 and 26, East, lying north of the Texas State line—All of Township 10 South, Range 27 East, lying west of the Arkansas State line and north of the Texas State line. All of Townships 1, 2, 3, 4, 5, 6, 7, 8 and 9 South, Range 27 East, lying west of the Arkansas State line.

M'LISH COUNTY.—Townships 1 North and 1 2, 3 and 4 South, Ranges 1, 2 and 3 East. To which add the north half of Township 5 South, Range 2 East.

MAYES COUNTY.—The south half of Township 24 North, Ranges 18, 19, 20 and 21 East.—Townships 23, 22, 21 and 20 North, Ranges 18, 19, 20 and 21 East.

MOSELEY COUNTY.—Townships 1 and 2 North, Ranges 7, 8, 9, 10 and 11

East.—Township 1 South, Ranges 8, 9, and 10 East.

MUSKOGEE COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 15 North, Range 16 East; thence east along the north line of Township 15 North to the center line of the Arkansas River; thence southerly and easterly along the meandering center line of the Arkansas River, to the center line of the Verdigris River (extended); thence northerly along the meandering center line of the Verdigris River to the north line of Township 15 North; thence east along said north line to the east line of Range 20 East; thence south along said east line to the south line of Township 13 North; thence west along the said south line to the west line of Range 16 East; thence north along said west line to the point or place of beginning.

OKMULGEE COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 17 North, Range 13 East; thence east along the north line of said Township 17 North to the center line of the Arkansas River; thence southerly along the meandering center line of the Arkansas River to the north line of Township 15 North; thence west along the said north line of Township 15 North to the east line of Range 13 East; thence south along the said east line to the south line of Township 13 North; thence west along said south line to the west line of Range 11 East; thence north along the said west line to the north line of Township 14 North; thence east along the said north line to the west line of Range 13 East; thence north along said west line to the point or place of beginning.

OVERTON COUNTY.—Bounded by a line described as follows. Beginning at the northwest corner, Township 5 South, Range 4 East; thence east along the north line of Township 5 South, to the center of the Washita River; thence southerly following the meandering center line of said River to the center line of Township 5 South; thence east along said center line to the east line of Range 8 East; thence south along said east line to the south line of Township 6 South; thence west along said south line to the east line of Range 7 East; thence south along said east line to the south line of Township 7 South; thence west along said south line to the Texas State line; thence westerly along the Texas State line to the west line of Range 4 East; thence north along said west line to the point or place of beginning.

PUSH-MA-TA-HA COUNTY.—Township 2 North, Ranges 18, 19 and 20 East. —Townships 1 North, 1, 2, 3 and 4 South, Ranges 15, 16, 17, 18, 19 and 20 East.—Townships 1, 2, 3 and 4 South, Range 21 East.

QUAPAW COUNTY.—Al lof Township 29 North, Range 21 East, lying east of the meandering center line of the Neosho River.—Township 29 North, Ranges 22, 23, 24 and 25 East.—Townships 28, 27, 26 and 25 North, Ranges 22, 23, 24 and 25 East.

RUTHERFORD COUNTY.—Bounded by a line described as follows: Beginning at a point where the center line of Range 24 East, intersects the center line of the Arkansas River; thence easterly following the meandering center line of the Arkansas River to the Arkansas State line; thence southerly along the Arkansas State line to the south line of Township 6 North; thence west along said south line to the center line of Range 24 East; thence north along said center line of Range 24 East to the point or place of beginning.

SANS BOIS COUNTY.—Bounded by a line described as follows: Beginning at a point where the west line of Range 18 East, intersects the center line of the Canadian River; thence easterly along the meandering center line of the Canadian River to the east line of Range 20 East; thence south along said east line to the south line of Township 6 North; thence west along said south line to the west line of Range 18 East; thence north along said west line to the point or place of beginning.

SEMINOLE COUNTY—All of Township 11 North, Ranges 5, 6, 7, and the west half of 8 East, lying south of the meandering center line of the North Fork River. —Townships 10, 9, 8, 7, 6 North, Ranges 5, 6, 7, and the west half of 8 East; and all of Township 5 North Ranges 5, 6, 7, and the west half of 8 East, lying north of the meandering center line of the Canadian River.

SEQUOYAH COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 13 North, Range 21 East; thence east along the north line of Township 13 North to

the Arkansas State line; thence south along the Arkansas State line to the center line of the Arkansas River; thence westerly following the meandering center line of the Arkansas River to the north line of Township 12 North; thence east along said north line to the west line of Range 21 East; thence north along said west line to the point or place of beginning.

SKAITOOK COUNTY—Townships 27, 26, 25, 24, 23 and 22 North, Ranges 12, 13 and 14 East.

SPOKOGEE COUNTY.—Bounded by a line described as follows: Beginning at a point where the center line of Range 8 East, intersects the center line of the North Fork River; thence southeasterly following the meandering center line of the north Fork River to the west line of Range 11 East; thence north along said west line to the north line of Township 10 North; thence east along said north line to the east line of Range 11 East; thence south along said east line to the north line of Township 7 North; thence east along said north line to the center line of the Canadian River; thence southwesterly along the meandering center line of the Canadian River to the center line of Range 8 East; thence north along said center line to the point or place or beginning.

TAHLEQUAH COUNTY—Townships 19, 18, 17, 16, 15 and 14 North, Ranges 21, 22 and 23 East.

THOMAS COUNTY—Bounded by a line described as follows: Beginning at a point where the west line of Range 21 East, intersects the center line of the Canadian River; thence northerly along the meandering center line of the Canadian River to a point where said center line (extended) intersects the center line of the Arkansas River; thence southeasterly along the meandering center line of the Arkansas River to the center line of Range 24 East; thence south along said center line of Range 24 East to the south line of Township 6 North; thence west along said south line to the west line Range 21 East; thence north along said west line to the point or place of beginning.

TOBUSKY COUNTY.—Bounded by a line described as follows: Beginning at a point where the west line of Range 12 East, intersects the center line of the Canadian River; thence northerly and easterly, following the meandering center line of said River to the east line of Range 14, East; thence south along said east line to the north line of Township 7 North; thence east along said north line to the east line of Range 15 East; thence south along said east line to the south line of Township 5 North; thence west along said south line to the east line of Range 14 East; thence south along said east line to the south line of Township 3 North; thence west along said south line to the west line of Range 12 East; thence north along said west line to the point or place of beginning.

TOM NEEDLES COUNTY.—The south half of Township 6 South, Ranges 9, 10, 11, 12, 13 and 14 East.—All of Townships 8 and 9 South, Range 7 East, lying north of the Texas State line.—All of Townships 7, 8, 9 and 10 South, Ranges 8, 9, 10, 11, 12, 13 and 14 East, lying north of the Texas State line.

TULLADEGA COUNTY.—Townships 19, 18, 17, 16 and 15 North, Ranges 6, 7, 8 and 9 East, being bounded on the north and west my the state line of this State.

TUMECHICHE COUNTY.—Bounded by a line described as follows: Beginning at a point in the north line of Township 19 North, where the center line of the Verdigris River intersects said line; thence east along said north line of said Township 19 North to the east line of Range 20 East; thence south along the said east line of Range 20 East to the south line of Township 16 North; thence west along said south line of Township 16 North to a point where said line intersects the center line of the Verdigris River; thence down the meandering center line of the Verdigris River to a point where said line (extended) intersects the center line of the Arkansas River; thence up the meandering center line of the Arkansas River to a point where the east line of Range 17 East intersects the said Arkansas River center line; thence north along the said east line of Range 17 East to a point where said east line intersects the center line of the Verdigris River; thence northerly along the meandering center line of the Verdigris River to the north line of Township 16 North; thence west along said north line to the west line of Range 17 East; thence north along said west line to the center line of the Verdigris River; thence northerly along the meandering center line of the Verdigris River; to the point or place of beginning.

WADE COUNTY.—Township 3, North, Range 19 East.—Townships 3, 4 and 5 North, Range 20 East. — Townships 1, 2, 3, 4 and 5 North, Ranges 21, 22, 23, 24, 25 and 26 East.—All of Townships 1, 2, 3, 4 and 5 North, Range 27 East, lying west of the Arkansas State line.

WASHINGTON COUNTY.—Townships 5 and 6 South, Ranges 1 West and 1, 2 and 3 East.—All of Townships 7, 8, 9 and 10 South, Range 1 West and 1, 2 and 3 East, lying north of the Texas State line. From which deduct the north half of Township 5 South, Range 2 East.

SEC. 3. It is hereby directed that within sixty days after the acceptance of this Constitution and the admission of this State by Congress, the Supreme Election Board provided by this Constitution shall cause to be held a general election in this State, and in the counties, districts and municipalities thereof, for the election of a full complement of officers as provided by this Constitution, excepting only its first representatives in Congress, and that previous to the calling of such election said Supreme Election Board shall ascertain, as nearly as may be, the valuation of all taxable property of each and every county in this State, and that where said Supreme Election Board finds the aggregate value of all taxable property in any one county to be of a sum total less than one million dollars, that such county shall be considered as unorganized, and for the time being attached for administrative purposes, to the adjoining county having the lowest valuation of taxable property, and shall so remain as a district of said county to which it is attached until such time as the General Assembly shall otherwise provide: Provided, That at any time, at any regular election to be held in said unorganized county, upon the written petition of one hundred electors of such unorganized county, addressed and delivered to said Supreme Election Board or its successor in the management of elections, thirty days prior to such proposed general election, requesting the separation and organization of such unorganized county, that the electors of said unorganized county shall, at said ensuing general election, be permitted to vote upon the question of the separation and organization of said unorgnized county; and if the majority of the electors of said unorganized county voting at said election shall vote in favor thereof, said county shall immediately detached and organized under its separate county government. Provided, however, that at all times such unorganized county shall have its full representation in the General Assembly of this State, and shall have four terms of county court in said unorganized county each year, held by the Judge of the county to which said unorganized county is attached and the said court shall be held at the county seat of such unorganized county, and the Clerk of the County Court shall appoint and maintain a Deputy Clerk for said unorganized county of said unorganized couetaoin county, who shall be an elector of said unorganized county and maintain his office at said county seat of said unorganized county.

SEC. 4. The State of Sequoyah is hereby divided into twenty-one Senatorial Districts, each district composed as follows:

Districts. Counties.

1st—Quapaw and Cherokee;
2nd—Lenahpa and Skiatook;
3rd—Cooweescoowee and Mayes;
4th—Delaware, Flint and Tahlequah.
5th—Tumechiche and Coweta;
6th—Euchee, Tulladega and Arbeka;
7th—Okmulgee and Cussehta;
8th—Seminole and Spokogee;
9th—Muskogee and Breckenridge;
10th—Sequoyah and Thomas;
11th—Wade, Rutherford and McCurtain;
12th—Eufaula and Tobuksy;
13th—Bixby, Push-ma-ta-ha and Hitchcock;
14th—Hailey and Sans Bois;
15th—Blue and Tom Needles;
16th—Overton and Johnson;
17th—Byrd, Cheadle and Moseley;
18th—Garvin and McLish;
19th—Harris and Washington;
20th—Gilbert, Jefferson and Guy;
21st—Curtis and Bonaparte;

And one Senator shall be elected from each district.

SEC. 5. From the limit of seventy-five members of the House of Representatives, each county of this State shall first have one member. Thereafter to justly give representation to such counties as have population in excess of their pro rata proportion of the population of the entire State, the excess number of Representatives making the grand total not above seventy-five shall

be ascertained, then taking all counties of the State, the population of which is greater than the sum obtained by dividing the total population of the State by the total number of counties of the State and adding such excess population together, divide the total of such additions by the divisor, being the excess authorized membership of the House of Representatives, the quotient will be the ratio for additional representation in such counties of excess population, and said excess representatives shall be allotted as follows:

Any such county having an excess of population equal to one or more of such full ratios shall have an additional member of the House of Representatives for any such County shall have less than a full excess ratio or ratios, then its excess shall be multiplied by five, and if the each such full excess ratio, or in case sum so obtained equals one excess ratio such County shall have one additional member in the fifth term of the ensuing Federal Census decade. If the sum so obtained equals two full excess ratios, then such County shall have one additional member each in the fourth and fifth terms of the ensuing Federal Census decade. If the sum so obtained equals three full excess ratios then such County shall have one additional member each in the first, second and their terms of the ensuing Federal Census decade. If the sum so obtained equals four full excess ratios then such County shall have one additional members each in the first, second, third and fourth terms of the ensuing Federal Census decade. Provided, however, that in case the said excess ratio is less than the population of the County of this State having the smallest population, then the population of such least populous County shall in every instance herinabove mentioned be treated as the true excess ratio.

Provided, That until the next Federal Census is taken and published, the population as ascertained according to the provision of this Constitution shall be the basis for the above apportionment and be ascertained and declared by the Supreme Election Board, and thereafter on the publishing of each Federal Census, the Governor, the Attorney General and the Secretary of State, of this State, shall, within thirty days from the publication of such Federal Census, and under the above rules, compute and declare the apportionment for the ensuing decade.

SEC. 6. The State of Sequoyah is hereby divided into eight Circuit Court Districts, each such district composed of the following Counties:

The First District shall be composed of the counties of:—Cherokee, Lenahpe, Shiatook, Cooweescoowee and Mayes.

The Second District shall be composed of the counties of:—Quapaw, Delaware, Flint, Sequoyah, Tahlequah, Tumechichee and Coweta.

The Third District shall be composed of the counties of:—Euchee, Arbeka, Talludega, Okmulgee, Seminole, Spokogee and Cussehta.

The Fourth District shall be composed of the counties of:—Muskogee, Eufaula, Breckenridge, Thomas and Sans Bois.

The Fifth District shall be composed of the counties of:—Tobuksy, Cheadle, Moseley, Bixby, and Blue.

The Sixth District shall be composed of the counties of:—Rutherford, Wade, Holley, Push-ma-ta-ha, McCurtain, Hitchcock and Tom Needles.

The Seventh District shall be composed of the counties of:—Overton, Johnston, Byrd, McLish, Washington, Harris.

The Eighth District shall be composed of the counties of:—Curtis, Bonaparte, Gilbert, Jefferson, Garvin and Guy.

And one Judge of the Circuit Court shall be elected in each of said districts as in this Constitution provided.

SEC. 7. For the purpose of determining the population of each and every separate county of tihs State, it is hereby directed that the vote cast in each and every county at the election for ratification or rejection of this Constitution be multiplied by five and one-tenth the product so obtained is hereby declared to be the legal population of every such county and so to remain and be treated in all cases until the taking and publication of the next Federal census.

SEC. 8. The county seat of each county named in this Constitution shall be determined by the place receiving the highest number of votes at the election held for the ratification of this Constitution by the electors of each county.

SEC. 9. The General Assembly shall provide by general law for the creation of new counties, locating or changing county seats and changing county lines, but each of said questions shall be submitted to a vote of the electors of

within the territory affected, and shall be approved by a majority of the votes cast for or against said proposition before such new county shall be created, the county seat located or changed, or the lines of any county shall be changed. But no new county shall be formed unless it contains taxable property of the valuation of one million dollars as shown by the last preceding tax return, and not then unless the remaining portion of the old county or counties shall each contain taxable property of the value of at least two millions of dollars; nor shall said new county contain a population of less than five thousand bona fide inhabitants; nor shall such new county have an area of less than four hundred square miles, nor shall the area of the old county or counties from the territory from which the new county shall be taken be respectively reduced in area to less than four hundred square miles. The General Assembly shall provide by law for an equitable division of the indebtedness of said old county or counties, as the case may be, so that the new county so created shall assume and become responsible for the payment of its just proportion of said debt or debts.

SEC. 10. Each organized county in this State shall be a body corporate and politic, and shall possess such powers as are provided in this Constitution, together with such other powers as may hereafter be provided by law, including the following:

To sue and be sued; to purchase and hold real estate and personal property for the use of the county, and land sold for taxes as provided by law; to sell and convey such property; to make such order respecting the same may be deemed conducive to the best interests of the county; to make all contracts and do all other acts authorized by law.

SEC. 11. The powers of a county shall be executed and administered by the Board of County Commissioners herein provided for, and by such other officers and agents as may be provided by law, and all suits brought for the benefit of the county or against it shall be brought in the name of the county. No execution on any judgment rendered by any court against a county shall be issued against said county, but the collection of said judgment shall be in the manner and form provided by law.

SEC. 12. There shall be, and are hereby created, the following county officers: Judge of the county court, clerk of the circuit court who shall be ex-officio recorder, clerk of the county court, states attorney, sheriff, who shall be ex-officio tax collector, county treasurer, county surveyor, three county commissioners, who shall be freeholders, and a county assessor. Each of said offices shall be filled by election, or by appointment, as herein provided, or as may hereafter be provided by law, for the creation of such other county officers as may be from time to time found necstates attorneys, sheriffs, county treas-

County judges, clerks of the circuit court, clerks of the county court, urers, county surveyors, county comimssioners, county assessor, and such other county officer as may be created by law, shall be elected by the electors of each county and shall respectively perform such duties and receive such salary and emoluments as are herein, or as may hereafter be provided by law. After the first election held under this Constitution the county commissioners shall divide each county into three compact districts as nearly equal in population as practicable, subject to alteration at least once in three years thereafter. At the next election preceding the end of the terms of said first elected county commissioners, a county commissioner shall be elected for each of said county commissioners districts.

SEC. 13. The Board of County Commissioners shall have no power or authority to create or recognize any debt or obligtion of the county in excess of the imit fixed by law, nor to issue any obligation or evidence of indebtedness exceeding in the the aggregate the limit of indebtedness fixed by law, for county purposes, for any one year, nor levy taxes exceeding in the aggregate one per centum of the value of the taxable property in the county: Provided, Sheriffs, and County Treasurers shall not be eligible to re-election as their own immediate successors.

SEC. 14.—No county shall in any manner whatsoever, either directly or indirectly, create any indebtness exceeding two per centum of the assessed value of taxable property in the county as shown by the last geenral assessment roll of said county; nor in excess of the taxes for the current year, unless such excess

shall have been authorized by a majority vote of the electors of said county.

SEC. 15. The Board of County Commissioners shall provide and furnish suitable rooms in which to hold Circuit Court and County Court, and proper offices for all county officers.

SEC. 16. Appeals may be taken to the Supreme Court from all final decisions or findings of the Board of County Commissioners in such manner as the General Assembly may provide.

## Article XIII.

## REVENUE, TAXATION AND EXEMPTIONS.

SEC. 1. All property within the boundaries of the States, not exempt under the laws of the United States, shall be taxed in proportion to the value thereof, to be ascertained as provided by law. The word "property" as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, or mixed capable of private ownership.

SEC. 2. All property used for free public libraries, free museums, cemeteries, property used exclusively for public schools and all property of the United States, this state and of counties and municipal corporations in this State, shall be exempt from taxation. All property owned by the Murrow Indian Orphan Home,e located near the city of Atoka, and all property owned by the Whitaker Orphan Home, located near the city of Pryor Creek, so long as the same shall be used exclusively as free homes or schools for orphan children and for poor and indigent persons, shall be exempt from taxation. The General Assembly may provide for the exemption from taxation of such other property as may be used exclusively for agricultural and horticultural societies, for schools, and for religious and charitable purposes, but such exemptions shall shall only be by general law. The General Assembly may provide for a deduction from credits of debts due to bona fide residents of this State, except in cases of credits secured by mortgages or trust deeds.

SEC. 3. All lands and the improvements thereon, except as herein provided, within the boundaries of this State, shall be assessed for taxation, except such as may be exempt by reason of treaty stipulations, existing between the Indians and the United States government.

SEC. 4. The specification of the objects and subjects of taxation shall not deprive the General Assembly of power to require other objects and subjects to be taxed in such manner as may be consistent with the principles of taxation as fixed in this Constitution.

SEC. 5. The General Assembly shall provide in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments for State, County, Municipal, or other purpoes, that a return of such unpaid taxes or assessments shall be made to the officer of the county having authority to receive state and county taxes, and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of a court of competent jurisdiction, to be designated by law.

SEC. 6. The right of redemption from all sales of real estate for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than four years from such sales thereof. And the General Asembly shall provide by law, for reasonable notice to be given to the owner, or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: Provided, occupants shall in all cases be served with personal notice before the time of redemption expires; and provided, further that minors, lunatics, imbeciles and other incompetents and married women, shall be allowed three years in which to redeem real estate from sales for taxes or assessments after minors shall have reached their majority, after lunatics, imbeciles and other incompetents, shall be restored to natural reason, and after married women shall have become femmes sole.

SEC. 7. The General Assembly shall not have power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 8. All taxes levied for State pur-

shall be paid into the State treasury.

SEC. 9. The General Assembly may invest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise, provided the consent of a majority of resident property owners affected by such local improvements shall have been first obtained. For all other corporate purposes, municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body composing the same.

SEC. 10. The General Assembly shall not impose taxes upon Municipal Corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

SEC. 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

SEC. 12. No county, city, township, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding eight per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness. Any county, city, school disrtict or other municipal corporation, incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and ischarge the principal thereof within thirty years from the time of contracting the same.

SEC. 13. The General Assembly shall provide by law for the levy and collection of all State, County, School and Municipal taxes, and for an annual poll tax of not less than one dollar on every male inhabitant of this State, over twenty-one and under sixty years of age, except paupers, idiots and insane persons; said poll tax shall be paid into the State School fund.

SEC. 14. The total taxes on all property, for all purposes, including State, County, and Municipal taxes, shall not exceed in any one year thirty mills on the dollar, to be divided as follows: Not more than seven mills on the dollar for State purposes, of which two mills shall be for the support of public schools: Not more than ten mills on the dollar for County purposes, of which three mills shall be used for the support of public schools: Not more than thirteen mills on the dollar for Municipal purposes, of which five mills shall be used for the support of public schools: Provided, that the General Assembly shall, by general laws, authorize school districts to levy, by a majority vote of the citizens over twenty-one years of age therein, an additional tax of five mills on the dollar, in any one year, for school purposes: Provided, Further, that no such tax shall be appropriated to any other district than that for which it was levied. And Provided further, that to pay the bonded indebtedness of any municipality, an additional tax of five mills on the dollar may be levied by a vote of the electors of said municipality.

SEC. 15. Municipal corporations in this State may, in addition to taxes provided for school purposes by this Constitution, by a majority vote of the electors of said municipality, levy an additional tax of four mills on the dollar of the assessed valuation, for school purposes only: Provided, that no election shall be ordered for this purpose except upon the written petition of one-seventh of the property tax payers of said municipality. Provided, further, that thirty days' notice by publication in the usual way shall be given and proof of such publication filed with the petition.

SEC. 16. The Board of County Commissioners of each County shall equalize the valuation for tax assessment of their county as provided by law.

SEC. 17. The Governor, Secretary of State, and Attorney General shall be a State Board of Equalization and shall

perform the duties thereof as provided by law.

SEC. 18. All revenue and appropriation bills shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 19. The personal property of any resident of this State who is not married or the head of a family, in specific articles or money to be selected by such resident, not exceeding in value the sum of two hundred dollars in addition to his or her wearing apparel, shall be exempt from seizure on attachemnt or sale on execution or other process from any court, issued for the collection of any debt contracted; provided, that no property shall be exempt for debts, contracted for the purchase-money therefor, while in the hands of the vendee.

SEC. 20. The personal property of any resident of this State who is married or the head of a family, in specific articles or money to be selected by such resident, not exceeding in value the sum of five hundred dollars in addition to his or her wearing apparel and that of his or her family, shall be exempt from seizure on attachment, or sale on execution, or other process from any court on any debt contracted; Provided, that no property shall be exempt for debts contracted for the purchase money therefor while in the hands of the dendee; provided, further, that all necessary tools of mechanics and laborers and the implements of farmers, to an amount not exceeding three hundred dollars, shall be exempt from seizure on attachment or sale on execution. The General Assembly shall provide by law for the protection afforded in this and the preceding sections herein, so that all persons may enjoy the same without interference by any court, and without cost to them.

SEC. 21. Upon the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the life of the surviving spouse so long as he or she may remain unmarried, or so long as the guardian of the minor heirs of the deceased may be permitted, under order of the proper court having jurisdiction, to use and occupy the same with said minors.

SEC. 22. The homestead, not in any town or city, shall consist of not more than one hundred acres of land, which may be in one or more parcels, with improvements thereon, to be selected by the owner; Provided, the same shall not dollars, and in no event shall such homestead be reduced to less than forty acres, exceed in value the sum of five thousand with the improvements thereon, without regard to value; Provided, further, that Indian homesteads in excess of one hundred acres made under the laws, and the treaties between the United States and the Indian tribes of this State, shall be affirmed and respected until said homesteads become alienable.

SEC. 23.—The homestead in any city, town or village, owned and occupied as a residence, shall consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner; Provided, said homestead shall not exceed in value the sum of five thousand dollars, and in no event shall such homestead be reduced to less than one-quarter of an acre of land, together with the improvements thereon, without regard to value; Provided, that any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.

SEC. 24. The homestead of a family shall be, and is hereby protected from forced sale for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in the last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase, whether such mortgage, or trust deed, or other lien, shall have been created by the husband alone or together with his wife; and all pretended sales of the homestead involving any conditions of defeasance shall be void.

## Article XIV.
## MILITIA.

SEC. 1. The Militia shall consist of

all able bodied male persons residents of this State, between the ages of eighteen and forty-five years, except as may be exempted by the laws of the United States, or of this State; and shall be organized, armed, equipped and trained as may be prescribed by law, not inconsistent with the regulations governing the United States army.

SEC. 2. The Militia of this State shall be divided into two classes, viz:—That portion which shall be organized, armed and equipped, which shall be known as the "Sequoyah National Guards" and the unorganized Militia, which shall be known as the "Sequoyah Reserves."

SEC. 3. The Governor shall have power to call out the National Guard, and to call and organize the Reserve for the purpose of executing the laws of the State, repelling invasion, suppressing riot or insurrection, and preserving the public peace.

SEC. 4. Officers of the National Guard shall be selected from the organization to which they belong. All offices shall be filled by competitive examinations, to be held by a board consisting of three members, one of whom shall be an officer of the United States Regular Army, not below the rank of Captain, one a medical officer of the National Guard, and the third member to be selected by the other two. The United States regular officer and the medical officer of the board to be designated by the Governor. Vacancies shall be filled by seniority, subject to examination by the board of officers as prescribed for original appointment.

SEC. 5. The Commissoned officers of the National Guard shall hold their respective office during good behavior, unless otherwise provided by law; provided, however, that in case an organization of the National Guard shall be mustered out of service, the officers thereof shall be given certification of honorable discharge.

SEC. 6. No officer of the National Guard shall be deprived of his commission except by sentence of a properly constituted Court Martial having jurisdiction of the same.

SEC. 7. The findings and decrees of Courts Martial shall not be revesible by a civil tribunal, except as provided by law.

SEC. 8. The officers of the military service of this State shall be, such as are provided by law.

SEC. 9. The execution by an officer in the Military service of this State of a written order, or of verbal order, the interpretation of which could not be reasonably misunderstood; from his superior officer, or a person to whom he has been directed to report for duty, shall be a complete defense to any suit or action which may be brought against him in the Civil or Criminal Courts of the State; but this shall not relieve the persons responsible for such order from liability.

## Article XV.

## PROHIBITION.

SEC. 1. The manufacture, sale, barter, or giving away of intoxicating liquors or spirits of any kind within this State is forever prohibited.

SEC. 2. Any person who shall, within this State, manufacture, or for any purpose sell, barter or give away, or by any means furnish to any one any vinous, malt, or fermented liquors or intoxicating spirits or drinks of any kinds whatsoever, and any person who may, within this State, in any manner advertise, or solicit the sale or purchase of any such liquors, shall, upon conviction thereof, in any court of competent jurisdiction, be punished for each offense by fine not less than fifty dollars, nor more than one thousand dollars, and by imprisonment not less than sixty days, nor more than one year and one day; Provided, that the General Assembly may provide by law for one dispensary under the supervision of this State, in each county, for the sale of liquors for medicinal, mechanical and scientific purposes only, each sale to be made upon sworn application in writing stating the purpose for which the liquor is to be used; and any person who shall make a false affidavit to obtain liquor for any other purpose shall be deemed guilty of perjury. Each sale shall duly registered, and the register thereof, shall be, at all times, open to inspection by any officer or citizen of this State. If any person employed in a dispensary be convicted of making any sale of liquor for any purpose other than herein provided, he shall be punished by imprisonment for not less than one year and one day. The payment, in this State, by any person, of the special tax required of liquor dealers by the United States, shall be prima facie evidence of

his intention to violate the provisions of this section.

SEC. 12. The Governor shall appoint three Commissioners, two from the dominant political party and one from the party casting the next highest vote at the last State election, one of whom shall be learned in the law, to be known as "Enforcement Commissioners," who shall be vested with full authority and power and be required, with the advice and under direction of the Governor, to strictly enforce the liquor laws of this State; and, in the performance of their duties, such Commissioners may command the aid of the Attoorney General of the State, all States attorneys, and all sheriffs and other executive officers of the counties, and any other persons by them appointed; but the authority so conferred upon such Commissioners shall not in any degree relieve any other officer from the discharge of any duty relating to the execution of such laws. The General Assembly shall, at its first session, fix the salaries of such Commissioners, and provide for them all assistance and expenses necessary for the proper performance of their duties, and enact laws for the aid and goverment of such Commissioners in the work of enforcing the laws aforesaid. The Governor may at any time remove any member of such commission from office for immoral conduct, inefficiency, or delinquency of duty, and appoint another competent person to fill the vacancy.

## Article XVI.

## GENERAL PROVISIONS.

SEC. 1. The following shall be the device for the "Great Seal of the State of Sequoyah":

In the center shall be a five pointed star, with one ray pointing downward. The star shall be divided into five diamond shaped rays by lines connecting the angles between the rays with the center. The upper left hand ray shall contain the symbol from the ancient seal of the Cherokee Nation, viz:— A seven-pointed star surrounded by a wreath of oak leaves. The upper right hand ray shall contain the symbol from the ancient seal of the Creek Nation, viz.—A sheaf of wheat and a plow. The lower left hand ray shall contain the symbol from the ancient seal of the Choctaw Nation, viz: —A Tomahawk, bow and three crossed arrows. The lower right hand ray shall contain the symbol from the ancient seal of the Seminole Nation, viz:—A village with houses and factory beside a lake upon which an Indian is paddling a canoe. The lowest ray shall contain the symbol from the ancient seal of the Chactaw Nation, viz:—An Indian warrior standing upright with bow in his hand. Surmounting the star between the two upper rays shall be a half length figure of Sequoyah holding tablet upon which are inscribed the letters————in the alphabet invented by Sequoyah, and forming the Cherokee words meaning "We are brethren." Surrounding the central star and grouped between its rays shall be forty-five small stars, representing the forty-five States of the Union to which the forty-sixth is now added. In a circular band surrounding the whole device shall be inscribed "Great Seal of the State of Sequoyah, 1905."

SEC. 2. All courts of record and municipal corporations shall have a seal which shall be used in attesting all process, judgments, decrees, ordinances, or other official documents of the court or municipal corporation to which it belongs, in form as provided by law.

SEC. 3. The State of Sequoyah and the several counties, districts, and municipalities thereof shall never lend credit funds, nor guarantee, nor in any way contribute to private or corporate enterprises, nor in any way invest or become interested therein.

SEC. 4. No public officer in this State shall be permitted, at any time during his incumbency in office, to solicit or receive any gift, grant or emolument of any other than his salary as fixed by law for the doing or not doing of any act or thing incident to his official duties and obligations: Any violation of this provision shall work a fortfeiture of the office held by him.

SEC. 5. The State of Sequoyah shall never be made defendant in any of its courts without its consent.

SEC. 6. The real and personal property of any femme covert in this State, acquired either before or after marriage, whether by gift, grant, inheritance, devise, or otherwise, shall, so long as she may choose, be and remain her separate estate and property, and may be devised bequeathed or conveyed by her the same as if she were a femme sole, and the same shall not be subject to the debts of her husband: Provided, that any land acquired from or through her husband

shall not be disposed of in any way without his consent.

SEC. 7. The General Assembly shall provide by law for a Board of Health to be appointed by the Governor, with the consent of the Senate, which shall be known as the "State Board of Health," the duties of which shall be to examine and pass upon the qualifications of applicants for license to practice Medicine, Surgery, Dentistry or Pharmacy in this State; said State Board of Health shall have power to declare and maintain quarantine, and to prescribe such sanitary regulations as are necessary and are not in conflict with the laws of this State.

SEC. 8. Polygamy is forever prohibited in this State and the same shall be deemed felony; any person convicted of such crime shall be punished by fine of not less than one hundred dollars and imprisonment for not less than one year and one day.

SEC. 9. No divorce shall be granted in this State otherwise than by judicial proceedings. Lotteries, or the sale or giving away of lottery tickets in this State are forever prohibited. Prize fights, or other brutal sports shall not be allowed in this State.

SEC. 10. The General Assembly shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, caanls, and other similar works against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company, or individual for whose benefit the work is done, responsible for their ultimate payment.

SEC. 11. The labor of children under twelve years of age in factories and workshops in this State is prohibited.

SEC. 12. It shall be unlawful for any person, or corporation to require from its servants or employes as a condition of their employment or otherwise, any contract or agreement, whereby such person or corporation shall be released or discharged from liability or responsibility, on account of personal injuries received by such servants or employes while in the service of such person or corporation, by reason of the negligence of such person or corporation, or the agents or employes thereof; all such contracts shall be absolutely null and void.

SEC. 13. No person shall be denied or refused employment for the reason that he is or is not a member of any labor union, provided he is otherwise qualified.

SEC. 14. Two months of current wages, for personal services, shall not be subject to garnishment.

SEC. 15. All labor of convicts confined in the State's prisons and reformatories shall be performed within the prison grounds, except where the work is done on public roads, or public works under the direct control of the State.

SEC. 16. The first day of the week commonly called Sunday, shall forever be respected as a day of rest, and the General Assembly shall enact appropriate laws making this provision of this Constitution effective.

SEC. 17. The provisions of this Constitution are not intended to conflict with, nor shall they ever be so construed, as conflicting with, the Constitution of the United States, or with any right, or privilege, as to person or property enjoyed by or secured to any Indians or other citizens of the Five Civilized Tribes or their descendants, or to the citizens of the Quapaw Agency, by any law or existing treaty between the United States and said Indians or tribes of Indians, and particularly as to homesteads, exemptions and taxation.

## Article XVII.
## AMENDMENTS.

SEC. 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly, and, if the same shall be agreed to by two- thirds of all the members elected to each of the two Houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals; and it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least twelve consecutive weeks prior to said election, in at least one newspaper of general circulation published in each county; and if a majority of the electors voting at such election shall ratify the same, such amendment or amendments shall become a part of this Constitution.

SEC. 2. If two or more amendments are proposed, they shall be submitted in such manner that electors may vote for or against each of them separately.

## Article XVIII.
## SCHEDULE.

SEC. 1. That no inconvenience may arise from a change from the present governments in force in the Indian Territory, to a permanent government, it is declared that all writs, actions, prosecutions, claims, or liabilities, of whatsoever nature or kind, and rights of individuals and of bodies corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the Judicial Department under this Constitution, be issued under the authority in force in the Indian Territory, shall be as valid as if issued in the name of the State of Sequoyah; and all writs and process, both civil and criminal, that have been issued by any of the courts having jurisdiction in the Indian Territory, and made returnable to said courts, not served at the time the courts of the State assume jurisdiction, shall be, by the officers having charge thereof, served and returned into the appropriate court of the State.

SEC. 2. All laws now in force in the Indian Territory, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the General Assembly of this State.

SEC. 3. All fines, penalties, forfeitures and escheats, accruing to the Indian Territory, shall accrue to the use of the State, or to either of the Five Civilized Tribes of Indians, as the case may be.

SEC. 4. All recognizances, bonds, obligations, or other undertakings heretofore entered into in the Indian Territory, or which may hereafter be entered into in the Indian Territory before the organization of the Judicial Department under this Constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the State, and all bonds, obligations or other undertakings executed in the Indian Territory, or to any officer of the United States therein in his official capacity, shall pass over to the proper State authorities and to their successors in office, or the towns therein respectively interested, and may be sued for and recovered upon accordingly. All criminal prosecutions and penal actions, which have arisen or which may arise in the Indian Territory before the organization of the Judicial Department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

SEC. 5. All officers, civil and military, holding their offices and appointments in the Indian Territory, under the authority of the United States, or of either of the Five Civilized Tribes of Indians, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution. Provided, that if the State of Sequoyah shall not be admitted into the Union as one of the United States prior to the 4th days of March, 1906, nothing in this Constitution contained shall be construed as being inconflict with the laws or agreements for the termination of the tribal governments of the Five Civilized Tribes, or, as authorizing the continuance in office of any of the officers thereof.

SEC. 6. This Constitution shall be submitted to the qualified electors of the Indian Territory for adoption or rejection at an election to be held on Tuesday, the 7th day of November, 1905. Said election, as nearly as may be, shall be called and held in all respects in the manner provided by this Constitution, and the returns, thereof, shall be made to the Supreme Election Board provided by this Constitution, who shall canvass the same, and if a majority of the legal votes cast shall be for the Constitution, the Supreme Election Board shall certify the result to the President of the United States, together with a statement of the votes cast thereon, and a copy of the articles, provisions and ordinances of said Constitution. Said Supreme Election Board shall, as herein directed, provide for the election of four Congressmen at Large, from the State of Sequoyah, to represent this State in the 59th Congress of the United States, and shall issue to each Congressman so elected, a certificate of his election. They shall also provide for the selection of the county seat town of each county by the qualified electors thereof. A certificate of the vote cast for county seat in each county shall be returned to the Secretary of State when he shall be elected and qualified, and shall be filed and preserved by him.

At said election the ballot shall be in the following form:

FORM OF BALLOT:

Indian Territory, Proposed State of Sequoyah.

For Ratification of Constitution.

Yes.

No.

For County Seat of.....County.

_____

_____

_____

For Congressman at Large to represent the State of Sequoyah, in the 59th Congress of the United States, from the date of the admission of this State:

| | |
|---|---|
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |

(Note.—The voter, on the ratification or rejection of the Constitution, will vote either "yes" or "no," distinctly erasing the other. If the voter votes "no," that is, for the rejection of the whole Constitution, he will ignore the remainder of the ticket. If the elector votes "yes" on the ratification of th Constitution, he may vote for the town of his choice for county-seat of the county designated, and for four representatives of his choice for Congressman, in all cases erasing all words and names for which he does not desire to cast his vote.)

The form of ballot must be uniform at all voting places in the Territory, excepting only as to the name of the county and the towns in such county aspiring to be the county-seat thereof. The Board of Elections will so prepare the ballots in each county as to designate the name of such county and towns which said Board has recognized as properly aspiring to be the county-seat town, and have on the ballots of each county, the name of the county and such aspiring county-seat towns, printed thereon.

As to the candidates for Representative at Large to the 59th Congress, the Supreme Election Board will cause the names of such candidates to be printed on all ballots, and opposite each name of such candidates shall be printed the name of the party or convention nominating such candidate, provided, that not more than four candidates shall be allowed to be placed upon such ballot by any one political party or convention. The elector may vote for not exceeding four such candidates, and will distinctly erase the names of all candidates for whom he does not desire to vote.

SEC. 7. This Constitution shall take effect and be in force immediately upon the admission of the Indian Territory as a State.

SEC. 8. Immediately upon the admission of the Territory as a State, the Supreme Election Board shall issue a proclamation which shall be published, and a copy, thereof, mailed to the chairman of the subordinate county election board of each county, calling an election by the people for all the state, district, or other officers created and made elective by this Constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation, nor more than sixty days after the admission of the Territory as a State. The County Election Board of the several counties shall thereupon order such election for said date, notice thereof to be given, in and for the length of time provided by the Supreme Election Board, for the election of all state, county and other public officers (Congressmen excepted). Every qualified elector of this State, at the date of said election, shall be entitled to vote. Said election shall be conducted in all respects in the manner provided by this Constitution.

SEC. 9. The Supreme Election Board, provided for in this Constitution, shall constitute a Board of Canvassers to canvass the vote of said election for members of Congress, the state and district officers, and members of the General Assembly. The said Supreme Election Board shall assemble at the seat of government of the Territory on the 10th day after such election, (or on the following day, if said day falls on Sunday), and proceed to canvass the vote for all state, district, county and other public officers and members of the eneral Assembly, in the manner provided by this Constitution; and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the Secretary of State an abstract, certified by them, of the number of the votes cast for each person, for each of said offices, and of the total number of votes cast in each county.

SEC. 10. All officers elected at said

election, except members of the General Assembly, shall, within thirty days after they have been declared elected, take the oath and give the bond required by this Constitution, and shall thereupon enter upon the duties of their respective offices; but the General Assembly may require by law all such officers to give other and further bonds as a condition of their continuance in office.

SEC. 11. The Governor-elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the General Assembly of the State at the seat of government, on a day to be named in said proclamation, and it shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the General Assembly, both houses thereof in joint session, shall then and there proceed to elect, as provided by the Constitution of the United States, and by law, two senators of the United States for the State of Sequoyah. At said election the two persons who shall receive a majority of all the votes cast by the members elected to the Senate and House of Representatives, shall be elected as such United States Senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the Senate and House shall issue a certificate to each of said Senators, certifying his election, which certificate shall also be signed by the Governor, attested by the Secretary of State and the Great Seal of the State.

SEC. 12. The General Assembly shall pass all necessary laws to carry into effect the provisions of this Constitution.

SEC. 13. Whenever any two of the judges of the Supreme Court of this State, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the United States Court of Appeals for the Indian Territory, and the papers, records and proceedings of said Court, and other property pertaining thereto, in all cases over which the Supreme Court of this State is, by this Constitution, given jurisdiction, shall pass into the jurisdiction and possession of the Supreme Court of the State; and until so superseded the United Sattes Court of Appeals for the Indian Territory, and the judges thereof, shall continue with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge of the Circuit Court of any district, elected under the provisions of this Constitution, shall have qualified in office, the several cases then pending in the United States District Court therein, within any county or counties in such district, papers and proceedings of said court and all other property pertaining therto, in all cases over which the Circuit Courts of this State are by this Constitution given jurisdiction, shall pass into the jurisdiction and possession of the Circuit Court of the State for such district, and until then the United States District Courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts, respectively, as heretofore provided by the laws of the United States. When the judge of the County Court of any county, elected under the provisions of this Constitution, shall have qualified in office, the several causes then pending in the United States District Court and in United States Commissioners Courts within any county in such district, and the records, papers and proceedings in said United States District Commissioners Courts, over which County Courts are given jurisdiction by this Constitution, shall pass into the jurisdiction and possession of the County Court of this State for such county; until the United States District shall be superseded in the manner aforesaid, the said District Courts, and the judges theeref, shall continue with the same jurisdiction and power to be exercised in the same districts, respectively, as heretofore constituted under the laws of the United States.

SEC. 14. Whenever this Constitution shall go into effect, the records, and papers and proceedings of the Probate Court in each county, and all causes and matters of administration, and all other matters pending therein, shall pass into the jurisdiction of the County Court of the same county, and the County Court shal proceed to final decree, judgment, or order, or other determination of said matters and causes as the United tSates Courts, sitting as courts of probate, might have done if this Constitution had not been adopted. Provided, that the removal of causes to the several courts of this State shall apply only to such causes as by the laws

United States, and the treaties of United States with the several Indian Tribes of the Indian Territory, are hereby removable to the State courts.

SEC. 15. All actions, causes, proceedings, and matters which shall be pending in the Supreme, Circuit, or County Courts of the Five Civilized Tribes of Indians, at the time of the admission of the State into the Union, whereof the Supreme, Circuit, or County Court would have had jurisdiction, had such court existed at the commencement of such actions, causes, proceedings and matters, respectively, shall be transferred to said Supreme, Circuit, or County Court, as the case may be; and all files, records, indictments, proceedings and matters shall be transferred to said State Courts and said Courts of this State, to which said causes shall be tranferred, shall proceed to final decree, or judgment, or order, or other determination, a said Indian Courts might have done if this Constitution had not been adopted.

SEC. 16. The members of the General Assembly and all State officers, district, county, circuit, and supreme judges, elected at the first election held under this Constitution, shall hold their respective offices for the full term next succeeding such election, in addition to the period intervening between the date of their qualification to the commencement of such full terms:

SEC. 17. This Convention does hereby declare on behalf of the people of Indian Territory, that this Constitution has been prepared and submitted to the people of the Indian Territory for their adoption or rejection, with no purpose of setting up or organizing a State government until such time as the Congress of the United States shall enact a law for the admission of the Indian Territory as a State.

SEC. 18. The seat of State Government of the State of Sequoyah shall be located at the town of Fort Gibson, in said State, for the term of six years from the date of the admission of this State into the Union, and thereafter until its location be changed by an act of the General Assembly, which act, must, before becoming effective, be approved by a majority of the electors of this State, at a general election, of which six months notice shall be given, as when amendments to this Constitution are to be voted on: Provided, If the people of Fort Gibson, shall fail to provide grounds and building suitable for State offices, including assembly rooms for the two Houses, free of cost to the State, the Supreme Election Board is hereby authorized to designate some other suitable place for the temporary seat of State government, until the first General Assembly, shall, by law, otherwise provide.

When this Constitution shall have been ratified by the people of the State of Sequoyah, it shall be correctly and properly engrossed on parchment, and when duly signed by the officers and members of this Constitutional Convention, shall be filed in the office of the Secretary of State and sacredly preserved by him as the fundamental law of the State of Sequoyah.

Done in open Convention at the City of Muskogee, in the Indian Territory, this eighth day of September, in the year of our Lord one thousand nine hundred and five.

# AN ADDRESS

## To the People of the Indian Territory.

The Convention, assembled to frame a Constitution for the proposed State of Sequoyah, presents the results of its labors for the consideration of the people of this Territory. It has been the earnest and united effort of the members of the Convention to frame a Constitution which will secure to the people of Sequoyah a just, wise and economical state government.

In this we believe we have succeeded, and we confidently submit to our fellow citizens the fruit of our deliberations. That the instrument will be found to contain imperfections we are well aware, but the peculiarity of our situation, while fraught with serious disadvantages, has been in some respects most advantageous. The very fact that the general political complexion of the various parts of our State has never been manifested by popular elections has made possible an apportionment of the State, necessarily free from partisan political considerations. The nature of the call which brought us together, and the marked scarcity of active politicians in the membership of the Convention, made it possible to practically eliminate partisan considerations, and it has been most gratifying to note the hig hideas and unselfish unanimity in devotion to the public good which have animated the members of the Convention.

In the Article on the Legislative Department of the Government, while all needed legislation is permitted, great care has been taken to circumscribe the powers of future legislators in such a way as to prevent abuse of power or extravagance.

In the Article on the Executive Department the prerogatives and powers of the several state officers are clearly stated, all necessary authority is placed in their hands and all needed checks have been supplied.

The Aritcle on the Judicial Department has been drawn with the utmost care, so as to provide for the doing of justice fully, impartially and promptly. The clause, adopted from the Constitution of the Cherokee Nation, providing for decisions in civil cases by a majority verdict, will be specially helpful in preventing protracted and expensive litigation.

Careful provisions have been made to prevent extravagance, and the people of Sequoyah cannot be required to pay more than three cents on the dollar in taxes, except in cases where, by their own vote, the people of a city or district shall, to a limited extent, increase the amount for the benefit of the public schools.

Provision has been made for the liberal support of a system of public schools in which shall be taught, besides the common branches, the rudiments of agriculture and domestic science. High Schools, Normal, Agricultural and Mechanical, and other Colleges and a State University have been provided for. Protection is also secured to children from premature labor in factories or mines.

Most carefully planned machinery for the regulation and control of corporations, modeled on the recently adopted Constitution of the State of Virginia, has been provided.

The provisions for exemptions on homesteads and personal property, while not allowing quite such large exemptions as in the Constitution of the State of Texas, upon which they are modeled, are most carefully drawn so as to give adequate and sure protection.

Provision is made to exclude from the State, lotteries, prize fights, and other brutal sports and to prohibit the traffic in intoxicating liquors. This is done in such a way as to guarantee to the Federal Government that the State will assume the responsibility of keeping the solemn pledge of the United States to the Five Civilized Tribes to forever keep the traffic in intoxicants out of the Territory which has been their home. In other respects great care has been taken to amply provide for the keeping of all treaty pledges to the Indian people.

That keen solicitude is manifsted for the welfare and protection of those least able to protect themselves is manifested

in making provision that the fellow servant law shall have no place on our statute books, that contracts proposing to relieve employers of proper responsibility shall be void, and the wages of the laborer for personal services for two months shall not be liable to garnishment.

Above all an earnest effort has been made to make every form of bribery and corruption not only a henious and detestable offense, but also a crime which shall receive just and unsparing punishment.

When a people is invited to take so serious and important a step as ratifying a Constitution, and asking to be admitted as a State to the Union, it is eminently fitting that full justification for such a step should be given. Under such circumstances they may and should surely be ready to answer three questions about the thing demanded.

First: Is it right?

Second: If it is right, is it also desirable?

Third: If it is both right and desirable, is it practical?

Is the statehood. for which the adoption of this Constitution is a formal demand, a right thing? For answer we have only t` refer .o the obligations solemnly assumed by the Federal Government, in the name of the people of the United States, as to this matter.

These pledges were made in return for considerations of the greatest value and importance, at the time when the several tribes relinquished their homes east of the Mississippi and came to this Territory, and were expressed in treaties entered into with all formality. The following are clauses from the Treaties directly bearing on the matter:

TREATY WITH THE CHEROKEES.

Article 5. The United States hereby covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any state or Territory.

(Rev. Ind. Treaties, p. 69).

TREATY WITH THE CREEKS AND SEMINOLES.

Article 4. The United States do solemnly agree and bind themselves that no State or Territory should ever pass laws for the government of the Creek or Seminole Tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within, or annexed to, any Territory or State, nor shall either or any part of either ever be erected into a Territory without the free and full consent or without the legislative authority of the tribe owning the same. (Rev. Ind. Treaties, p. 111).

CHOCTAW AND CHICKASAW TREATY

Article 4. The government and people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants, and that no part of the land granted them shall ever be embraced in any State or eTrritory (7th U. S. Stats., p. 334).

These treaties so far as they apply to the lands owned by the Five Civilized Tribes, and to those lands alone, have never been repealed but expressly ratified in later treaties. Even if it could be held, as of course it cannot, that time could impair the validity of such solemn agreements, Congress has in very recent years given them further ratification in a very remarkable way. In the bill creating the so-called Dawes Commission, for the purpose of securing the consent of the Five Civilized Tribes to the relinquishment of the patent to their lands, allotment of the same in severalty, and the termination of their government occurs the following:

"The extinguishment of tribal titles to any lands within that Territory, now held by any or all of said nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them with the United States with a view to such an adjustment upon the basis of justice and equity as may, with the consent of said Nations of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a state or states of the Union, which shall embrace the lands within said Indian Territory." Sec. 16, Act of March 3, 1893. (27 Stats., 645).

In the same Act of Congress, in the clause defining the work which the Commission was authorized to do, occurs the followin gexplicit statement:

"But said Commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands or Indians, or any of them, to enable the ultimate creation of a Territory of the United States with a view to the admission of the same as a State of the Union." (27 Stat. L., 645).

Acting upon this distinct provision the Dawes Commission made treaties with the tribes in the very first of which we find this distinct reference to the foregoing pledges. After stating the method in which tribal government is to be carried on, pending final adjustment of all tribal affairs, the agreement proceeds:

"This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State of the Union.' (Atoka agreement as quoted and ratified by the Congress of the United States in the so-called Curtis Act of 1898.

Referring to these Treaties, Secretary Bonaparte, in a formal report to Congress, issued in March, 1904, said that if such promises, so solemnly made are not kept by the American people. "They can be bound by no Treaty," and "No one can reasonably place confidenc n our National honor."

Plainly there can be no possible question of the righteousness of our demand. Not only so, but as, within six months, the Five Civilized Tribes will go out of existence, and thus it will become forever impossible for them to officially express their desire, is it not plain that to let them have now the voice so solemnly and repeatedly promised them in the making of their own future, is not merely right, but it is practically the only right thing which it remains possible for the government and people of the United States to do.

As there can be no question as to the righteousness of the thing asked, we may inquire in the second place, is it desirable? To an American self-government is always desirable. The Indian people belonging to the Five Tribes which had regular systems of government before the foot of the paleface had trod the fair soil of this Continent, desire, not that their ancient governments shall ome to an abrupt end, but that they shall continue, united into one fair Commonwealth. In forming this they invite freely and fully into fellow-citizenship, their white neighbors in what has been so long their beautiful home. They would like that on the fourth of next March when the old order passes, it shall give place to the new, which they have provided to take its place. Surely they are justified in thinking these things desirable. We, as a people, have certain pecularities, begotten of our long continuance in peculiar conditions. We have been without the open saloon and the traffic in intoxicants, and we wish to remain so. We believe we can do this best as an independent people. We have been to a large extent free from direct taxation and we wish to assume new burdens with the utmost care and economy. We believe we can do this best as an independent state. Indians and whites, we have been here together as friends and social equals. In no other state is the Indian accepted in quite this way, and we believe it is most desirable that we should be left to work out our common destiny, by ourselves without entanglements with the people of any other territory. For all these and many other reasons it seems to us that what we seek is not only right, but eminently desirable.

But in the third place is it practicable? Some of our friends say it is not because Congress does not desire and will not consent to give us separate and independent statehood. We ask in return who has authority to voice the desire and express the intentions of a Congress, one-half of whose members have not yet been seated. Past Congresses have been asked repeatedly to unite us in statehood with another territory. The baseless assertion that we all desired it has been insistently iterated. In spite of this, if actions speak louder than words, Congress has said, at every opportunity to speak so far, that it would not give us this joint statehood. Is it unreasonable or impracticable, then, to expect that, having repeatedly denied us one alternative, Congress may consent to give us the other—that is, statehood by

ourselves separate from, and independent of, any other state or territory.

Then we are told that it is impracticable for so small a territory to seek independent statehood. Indian Territory with 31,000 square miles, is almost as large as the average of all the states east of the Mississippi. Substantially its area is equal to that of Indiana, Rhode Island, Connecticut, New Jersey, Massachusetts and Vermont could all be included within its limits and room left for a considerable slice of Delaware. Size surely does not make statehood impracticable.

Then comes the suggestion that its population is not large enough. To that it is surely sufficient to reply that no previous applicant for statehod has had half as many peple and that today more than one-third of the states of the Union do not equal it. Want of population certainly cannot make the proposition impracticable.

Doubt is expressed as to our ability to support ourselves as a State. We are asked whether our resources are sufficient. Our vast area of fertile soil and our splendid climate, free alike from floods or drought, would by themselves be an adequate answer. But we do not point to undeveloped resources alone. Our far-reaching fields, hidden beneath their covering of golden grain or downy cotton; the countless cattle fattening upon our prairie pastures, our orchards bending beneath their luscious loads; our gardens, rendering so ready a return to pleasant toil; our primeval forests of pine and oak and walnut, through whose mighty aisles has never yet resounded the ringing of the woodman's axe; our coal mines, already yielding a princely tribute, which is but a hint of the hidden horde as yet untouched; our oil and gas, springing from the bowels of the earth, and forming a larger continuous belt than can be found elsewhere in all the land; the daily discoveries of mineral wealth, which a kindly providence has stored in the vast vaults of the eternal hills, and which they are now yielding to us, as men's knowledge and skill learn the combination that opens for us Nature's mighty timelocks, all join to give bond that we shall be no dependent or proverty-stricken member of the sisterhood of States.

We are told, however, that though all we have said of our resources may be true, yet the fact that so large a proportion of our land must, by the agreements between the United States and the Five Civilized Tribes, be exempt for many years from taxation, will make it very hard, if not impossible for us to support a State government. To this we answer that if many homesteads are exempt from taxation, the same thing has been true of nearly every Western State at the time of its admission. The Homestead Act, under which these have been so largely settled, made a very large proportion of these new States non-taxable. We believe we have to begin with more than the average taxable land that most Western States have begun their independence with, and we are sure we have a much larger amount of taxable property. We shall not need to be carried through a protracted infancy, but from the first shall be well able to walk alone.

Another suggestion is that our people are not of the character and grade of intelligence to make statehood a practical thing. The answer to this is to be found in the official census reports which show that no community in the Union is more thoroughly American, and that, in spite of the serious disabilities forced upon us in the matter of providing public schools, we stand well in the scale of literacy.

The suggestion that our shape would be odd and such as could not be laid off with a ruler, we dismiss as puerile. No one has ventured to suggest for any Territory that irregularity of shape is a practical difficulty in the way of statehood.

We are told that it is impracticable for us to ask statehood without the previous passage by Congress of an Enabling Act. Our friends assure us that so unusual a course must end in failure. We reply that our course is not by any means unprecedented. An Enabling Act was not invented till after Vermont, Kentucky and Tennessee had been added to the original thirteen. Maine held several conventions, adopted a constitution, and was admitted to the Union by Act of Congress the following year. Early in 1836, Arkansas adopted a Constitution at a convention held at Little Rock. This fact was transmitted to Congress several weeks later, and in June an Act of Admission was passed and approved. Our great neighbor, Texas, presented its Constitution to Congress without any previous Enabling Act. In Iowa a year later an Enabling Act followed the adoption of a Constitution. In 1850, California adopted a

Constitution and elected State officers. After several months of debate the Constitution was accepted and the State admitted. Oregon, nearly ten years later, followed the same example, adopting and ratifying a Constitution in the fall of 1857, and being admitted by Act of Congress early in 1859. The same year our neighbor Kansas, adopted and ratified the Wyandotte Constitution, and nearly two years later was admitted by Act of Congress. In West Virginia, the Constitutional Convention adopted a Constitution February 18, 1862. This was ratified by the people in April of the same year, and on the last day ofthat year Congress voted to admit her as a State the following June.

Two of the latest additions to the sisterhood of States, Idaho and Wyoming, adopted and ratified Constitutions first, and were then admitted by Act of Congress. A number of other States adopted Constitutions which were rejected. An Enabling Act was passed for Colorado, but the Constitution drafted under it was not ratified by the people. Then she held a convention without authority of any Enabling Act and adopted a Constitution which was ratified. Congress voted twice to admit her with this Constitution, and her admission was only prevented by the President's veto. Several years later another Constitution was adopted and she was admitted. Thus there is certainly nothing unprecedente or even unusual in the course we are pursuing. We claim, however, that if an Enabling Act is to be considered a necessary preliinary step to statehood, that the solemn treaties, pledges and agreements made by Congress with regard to the country occupied by the Five Civilized Tribes constitute for it an Enabling Act of the highest authority and giving the fullest sanction which Congress could give.

All legitimate questions as to the righteousness, wisdom, and practicability of our demands having been answered, there remains only the last resource of those who can find no valid reason to urge against a proposition; the attempt, by personal attacks upon those who are making it, and by suggestions of unworthy motives to discredit the whole movement. It is stated in some quarters that this is not a movement of Indian Citizens and in their interest, but is the plot of a few designing white politicians to further their own personal ends and ambitions, and to use the Indians as a means for gaining power. The personnel, the spirit, and above all the work of the Convention are the best answer to this mean innuendo. The Convention has been called by Indians, the majority of its labor is largely the fruit of the good thought and work of Indians. Throughout the Constitution the most earnest solicitude is manifested for the sacred fulfillment of all treaty obligations, and the continued protection of the Indian people. But if the Constitution itself is not sufficient answer to suggestions of this kind, surely the accompanying address of the Chiefs of the Tribes to their people is an unanswerable testimonial to the good faith in which this work has been undertaken, and its genuineness as an expression of the real desire of the Indian people.

Thus we come to the Congress of the United States and ask for recognition as the forty-sixth state of the Union, in the assured confidence that we can give such bond as no other state has ever given, for future independence and greatness in our magnificent territory and vast resources.

That we are far larger in population than any othe rstate ever heretofore received.

That we are better prepared to undertake the burdens incident to statehood than any previous applicant has been.

That we are at least as thoroughly American in our citizenship as any who have knocked for admission at the doors of Congress.

That we can and do give to the Congress of the United States the very best and fullest guarantee that in spirit and in letter its obligations to the Indian people will be religiously guarded.

And that we have a higher guarantee and stronger claim for admission to statehood than any other candidate has ever had.

Citizens of Indian Territory: With these considerations we place the Constitution we have framed in your hands, assured that by your overwhelimng vote you will ratify it and thus establish, and secure admission into the Union of a State having its roots buried deep in the history of this continent when no white wanderer had ever walked its shores, having its branches already wide spreading and fruitful, and destined to become one of the fairest, freest and most prosperous of all the states, which constitute our glorious union.